



LAWS, RULES AND ISSUANCES FOR ENVIRONMENTAL CASES

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Supreme Court of the Philippines



This special publication of the Research, Publications and Linkages Office of the Philippine Judicial Academy provides Courts, especially Environmental Courts, and other pillars of the Criminal Justice System with a helpful reference on ***Laws, Rules and Issuances for Environmental Cases.***

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ADMINISTRATIVE MATTER No. 09-6-8-C
RULES OF PROCEDURE FOR ENVIRONMENTAL CASES

PART I

RULE 1

GENERAL PROVISIONS

SECTION 1. Title. – These Rules shall be known as “*The Rules of Procedure for Environmental Cases.*”

SEC. 2. Scope. – These Rules shall govern the procedure in civil, criminal and special civil actions before the Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts involving enforcement or violations of environmental and other related laws, rules and regulations such as but not limited to the following:

- (a) Act No. 3572, Prohibition Against Cutting of Tindalo, Akli, and Molave Trees;
- (b) Presidential Decree No. 705, Revised Forestry Code;
- (c) Presidential Decree No. 856, Sanitation Code;
- (d) Presidential Decree No. 979, Marine Pollution Decree;
- (e) Presidential Decree No. 1067, Water Code;
- (f) Presidential Decree No. 1151, Philippine Environmental Policy of 1977;
- (g) Presidential Decree No. 1433, Plant Quarantine Law of 1978;
- (h) Presidential Decree No. 1586, Establishing an Environmental Impact Statement System Including Other Environmental Management Related Measures and for Other Purposes;
- (i) Republic Act No. 3571, Prohibition Against the Cutting, Destroying or Injuring of Planted or Growing Trees, Flowering Plants and Shrubs or Plants of Scenic Value along Public Roads, in Plazas, Parks, School Premises or in any Other Public Ground;
- (j) Republic Act No. 4850, Laguna Lake Development Authority Act;
- (k) Republic Act No. 6969, Toxic Substances and Hazardous Waste Act;
- (l) Republic Act No. 7076, People’s Small-Scale Mining Act;
- (m) Republic Act No. 7586, National Integrated Protected Areas System Act including all laws, decrees, orders, proclamations and issuances establishing protected areas;
- (n) Republic Act No. 7611, Strategic Environmental Plan for Palawan Act;
- (o) Republic Act No. 7942, Philippine Mining Act;
- (p) Republic Act No. 8371, Indigenous Peoples Rights Act;
- (q) Republic Act No. 8550, Philippine Fisheries Code;
- (r) Republic Act No. 8749, Clean Air Act;
- (s) Republic Act No. 9003, Ecological Solid Waste Management Act;
- (t) Republic Act No. 9072, National Caves and Cave Resource Management Act;

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- (u) Republic Act No. 9147, Wildlife Conservation and Protection Act;
- (v) Republic Act No. 9175, Chainsaw Act;
- (w) Republic Act No. 9275, Clean Water Act;
- (x) Republic Act No. 9483, Oil Spill Compensation Act of 2007; and
- (y) Provisions in Commonwealth Act No. 141, The Public Land Act; Republic Act No. 6657, Comprehensive Agrarian Reform Law of 1988; Republic Act No. 7160, Local Government Code of 1991; Republic Act No. 7161, Tax Laws Incorporated in the Revised Forestry Code and Other Environmental Laws (Amending the NIRC); Republic Act No. 7308, Seed Industry Development Act of 1992; Republic Act No. 7900, High-Value Crops Development Act; Republic Act No. 8048, Coconut Preservation Act; Republic Act No. 8435, Agriculture and Fisheries Modernization Act of 1997; Republic Act No. 9522, The Philippine Archipelagic Baselines Law; Republic Act No. 9593 [9513], Renewable Energy Act of 2008; Republic Act No. 9637 [9367], Philippine Biofuels Act; and other existing laws that relate to the conservation, development, preservation, protection and utilization of the environment and natural resources.

SEC. 3. Objectives. – The objectives of these Rules are:

- (a) To protect and advance the constitutional right of the people to a balanced and healthful ecology;
- (b) To provide a simplified, speedy and inexpensive procedure for the enforcement of environmental rights and duties recognized under the Constitution, existing laws, rules and regulations, and international agreements;
- (c) To introduce and adopt innovations and best practices ensuring the effective enforcement of remedies and redress for violation of environmental laws; and
- (d) To enable the courts to monitor and exact compliance with orders and judgments in environmental cases.

SEC. 4. Definition of Terms.

- (a) *By-product or derivatives* means any part taken or substance extracted from wildlife, in raw or in processed form including stuffed animals and herbarium specimens.
- (b) *Consent decree* refers to a judicially-approved settlement between concerned parties based on public interest and public policy to protect and preserve the environment.
- (c) *Continuing mandamus* is a writ issued by a court in an environmental case directing any agency or instrumentality of the government or officer thereof to perform an act or series of acts decreed by final judgment which shall remain effective until judgment is fully satisfied.
- (d) *Environmental Protection Order (EPO)* refers to an order issued by the court directing or enjoining any person or government agency to perform or desist from performing an act in order to protect, preserve or rehabilitate the environment.
- (e) *Mineral* refers to all naturally occurring inorganic substance in solid, gas, liquid, or any intermediate state excluding energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy.
- (f) *Precautionary principle* states that when human activities may lead to threats of serious and irreversible damage to the environment that is scientifically plausible but uncertain, actions

shall be taken to avoid or diminish that threat.

- (g) *Strategic Lawsuit Against Public Participation (SLAPP)* refers to an action whether civil, criminal or administrative, brought against any person, institution or any government agency or local government unit or its officials and employees, with the intent to harass, vex, exert undue pressure or stifle any legal recourse that such person, institution or government agency has taken or may take in the enforcement of environmental laws, protection of the environment or assertion of environmental rights.
- (h) *Wildlife* means wild forms and varieties of flora and fauna, in all developmental stages including those which are in captivity or are being bred or propagated.

PART II

CIVIL PROCEDURE

RULE 2

PLEADINGS AND PARTIES

SECTION 1. *Pleadings and motions allowed.* – The pleadings and motions that may be filed are complaint, answer which may include compulsory counterclaim and cross-claim, motion for intervention, motion for discovery and motion for reconsideration of the judgment.

Motion for postponement, motion for new trial and petition for relief from judgment shall be allowed in highly meritorious cases or to prevent a manifest miscarriage of justice.

SEC. 2. *Prohibited pleadings or motions.* – The following pleadings or motions shall not be allowed:

- (a) Motion to dismiss the complaint;
- (b) Motion for a bill of particulars;
- (c) Motion for extension of time to file pleadings, except to file answer, the extension not to exceed 15 days;
- (d) Motion to declare the defendant in default;
- (e) Reply and rejoinder; and
- (f) Third party complaint.

SEC. 3. *Verified complaint.* – The verified complaint shall contain the names of the parties, their addresses, the cause of action and the reliefs prayed for.

The plaintiff shall attach to the verified complaint all evidence proving or supporting the cause of action consisting of the affidavits of witnesses, documentary evidence and if possible, object evidence. The affidavits shall be in question and answer form and shall comply with the rules of admissibility of evidence.

The complaint shall state that it is an environmental case and the law involved. The complaint shall also include a certification against forum shopping. If the complaint is not an environmental complaint, the presiding judge shall refer it to the executive judge for re-raffle.

SEC. 4. *Who may file.* – Any real party in interest, including the government and juridical entities authorized by law, may file a civil action involving the enforcement or violation of any environmental

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law.

SEC. 5. *Citizen suit.* – Any Filipino citizen in representation of others, including minors or generations yet unborn, may file an action to enforce rights or obligations under environmental laws. Upon the filing of a citizen suit, the court shall issue an order which shall contain a brief description of the cause of action and the reliefs prayed for, requiring all interested parties to manifest their interest to intervene in the case within 15 days from notice thereof. The plaintiff may publish the order once in a newspaper of a general circulation in the Philippines or furnish all affected barangays copies of said order.

Citizen suits filed under RA No. 8749 and RA No. 9003 shall be governed by their respective provisions.

SEC. 6. *Service of the complaint on the government or its agencies.* – Upon the filing of the complaint, the plaintiff is required to furnish the government or the appropriate agency, although not a party, a copy of the complaint. Proof of service upon the government or the appropriate agency shall be attached to the complaint.

SEC. 7. *Assignment by raffle.* – If there is only one designated branch in a multiple-sala court, the executive judge shall immediately refer the case to said branch. If there are two or more designated branches, the executive judge shall conduct a special raffle on the day the complaint is filed.

SEC. 8. *Issuance of Temporary Environmental Protection Order (TEPO).* – If it appears from the verified complaint with a prayer for the issuance of an Environmental Protection Order (EPO) that the matter is of extreme urgency and the applicant will suffer grave injustice and irreparable injury, the executive judge of the multiple-sala court before raffle or the presiding judge of a single-sala court as the case may be, may issue *ex parte* a TEPO effective for only 72 hours from date of the receipt of the TEPO by the party or person enjoined. Within said period, the court where the case is assigned, shall conduct a summary hearing to determine whether the TEPO may be extended until the termination of the case.

The court where the case is assigned, shall periodically monitor the existence of acts that are the subject matter of the TEPO even if issued by the executive judge, and may lift the same at any time as circumstances may warrant.

The applicant shall be exempted from the posting of a bond for the issuance of a TEPO.

SEC. 9. *Action on motion for dissolution of TEPO.* – The grounds for motion to dissolve a TEPO shall be supported by affidavits of the party or person enjoined which the applicant may oppose, also by affidavits.

The TEPO may be dissolved if it appears after hearing that its issuance or continuance would cause irreparable damage to the party or person enjoined while the applicant may be fully compensated for such damages as he may suffer and subject to the posting of a sufficient bond by the party or person enjoined.

SEC. 10. *Prohibition against temporary restraining order (TRO) and preliminary injunction.* – Except the Supreme Court, no court can issue a TRO or writ of preliminary injunction against lawful actions of government agencies that enforce environmental laws or prevent violations thereof.

SEC. 11. *Report on TEPO, EPO, TRO or preliminary injunction.* – The judge shall report any action taken on a TEPO, EPO, TRO or a preliminary injunction, including its modification and dissolution, to the

Supreme Court, through the Office of the Court Administrator, within 10 days from the action taken.

SEC. 12. *Payment of filing and other legal fees.* – The payment of filing and other legal fees by the plaintiff shall be deferred until after judgment unless the plaintiff is allowed to litigate as an indigent. It shall constitute a first lien on the judgment award.

For a citizen suit, the court shall defer the payment of filing and other legal fees that shall serve as first lien on the judgment award.

SEC. 13. *Service of summons, orders and other court processes.* – The summons, orders and other court processes may be served by the sheriff, his deputy or other proper court officer or for justifiable reasons, by the counsel or representative of the plaintiff or any suitable person authorized or deputized by the court issuing the summons.

Any private person who is authorized or deputized by the court to serve summons, orders and other court processes shall for that purpose be considered an officer of the court.

The summons shall be served on the defendant, together with a copy of an order informing all parties that they have 15 days from the filing of an answer, within which to avail of interrogatories to parties under Rule 25 of the Rules of Court and request for admission by adverse party under Rule 26, or at their discretion, make use of depositions under Rule 23 or other measures under Rules 27 and 28.

Should personal and substituted service fail, summons by publication shall be allowed. In the case of juridical entities, summons by publication shall be done by indicating the names of the officers or their duly authorized representatives.

SEC. 14. *Verified answer.* – Within 15 days from receipt of summons, the defendant shall file a verified answer to the complaint and serve a copy thereof on the plaintiff. The defendant shall attach affidavits of witnesses, reports, studies of experts and all evidence in support of the defense.

Affirmative and special defenses not pleaded shall be deemed waived, except lack of jurisdiction.

Cross-claims and compulsory counterclaims not asserted shall be considered barred. The answer to counterclaims or cross-claims shall be filed and served within 10 days from service of the answer in which they are pleaded.

SEC. 15. *Effect of failure to answer.* – Should the defendant fail to answer the complaint within the period provided, the court shall declare defendant in default and upon motion of the plaintiff, shall receive evidence *ex parte* and render judgment based thereon and the reliefs prayed for.

RULE 3

PRE-TRIAL

SECTION 1. *Notice of pre-trial.* – Within two days from the filing of the answer to the counterclaim or cross-claim, if any, the branch clerk of court shall issue a notice of the pre-trial to be held not later than one month from the filing of the last pleading.

The court shall schedule the pre-trial and set as many pre-trial conferences as may be necessary within a period of two months counted from the date of the first pre-trial conference.

SEC. 2. *Pre-trial brief.* – At least three days before the pre-trial, the parties shall submit pre-trial briefs containing the following:

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- (a) A statement of their willingness to enter into an amicable settlement indicating the desired terms thereof or to submit the case to any of the alternative modes of dispute resolution;
- (b) A summary of admitted facts and proposed stipulation of facts;
- (c) The legal and factual issues to be tried or resolved. For each factual issue, the parties shall state all evidence to support their positions thereon. For each legal issue, parties shall state the applicable law and jurisprudence supporting their respective positions thereon;
- (d) The documents or exhibits to be presented, including depositions, answers to interrogatories and answers to written request for admission by adverse party, stating the purpose thereof;
- (e) A manifestation of their having availed of discovery procedures or their intention to avail themselves of referral to a commissioner or panel of experts;
- (f) The number and names of the witnesses and the substance of their affidavits;
- (g) Clarificatory questions from the parties; and
- (h) List of cases arising out of the same facts pending before other courts or administrative agencies.

Failure to comply with the required contents of a pre-trial brief may be a ground for contempt.

Failure to file the pre-trial brief shall have the same effect as failure to appear at the pre-trial.

SEC. 3. Referral to mediation. – At the start of the pre-trial conference, the court shall inquire from the parties if they have settled the dispute; otherwise, the court shall immediately refer the parties or their counsel, if authorized by their clients, to the Philippine Mediation Center (PMC) unit for purposes of mediation. If not available, the court shall refer the case to the clerk of court or legal researcher for mediation.

Mediation must be conducted within a non-extendible period of 30 days from receipt of notice of referral to mediation.

The mediation report must be submitted within 10 days from the expiration of the 30-day period.

SEC. 4. Preliminary conference. – If mediation fails, the court will schedule the continuance of the pre-trial. Before the scheduled date of continuance, the court may refer the case to the branch clerk of court for a preliminary conference for the following purposes:

- (a) To assist the parties in reaching a settlement;
- (b) To mark the documents or exhibits to be presented by the parties and copies thereof to be attached to the records after comparison with the originals;
- (c) To ascertain from the parties the undisputed facts and admissions on the genuineness and due execution of the documents marked as exhibits;
- (d) To require the parties to submit the depositions taken under Rule 23 of the Rules of Court, the answers to written interrogatories under Rule 25, and the answers to request for admissions by the adverse party under Rule 26;
- (e) To require the production of documents or things requested by a party under Rule 27 and the results of the physical and mental examination of persons under Rule 28;
- (f) To consider such other matters as may aid in its prompt disposition;

- (g) To record the proceedings in the “Minutes of Preliminary Conference” to be signed by both parties or their counsels;
- (h) To mark the affidavits of witnesses which shall be in question and answer form and shall constitute the direct examination of the witnesses; and
- (i) To attach the minutes together with the marked exhibits before the pre-trial proper.

The parties or their counsel must submit to the branch clerk of court the names, addresses and contact numbers of the affiants.

During the preliminary conference, the branch clerk of court shall also require the parties to submit the depositions taken under Rule 23 of the Rules of Court, the answers to written interrogatories under Rule 25 and the answers to request for admissions by the adverse party under Rule 26. The branch clerk of court may also require the production of documents or things requested by a party under Rule 27 and the results of the physical and mental examination of persons under Rule 28.

SEC. 5. *Pre-trial conference; consent decree.* – The judge shall put the parties and their counsels under oath, and they shall remain under oath in all pre-trial conferences.

The judge shall exert best efforts to persuade the parties to arrive at a settlement of the dispute. The judge may issue a consent decree approving the agreement between the parties in accordance with law, morals, public order and public policy to protect the right of the people to a balanced and healthful ecology.

Evidence not presented during the pre-trial, except newly-discovered evidence, shall be deemed waived.

SEC. 6. *Failure to settle.* – If there is no full settlement, the judge shall:

- (a) Adopt the minutes of the preliminary conference as part of the pre-trial proceedings and confirm the markings of exhibits or substituted photocopies and admissions on the genuineness and due execution of documents;
- (b) Determine if there are cases arising out of the same facts pending before other courts and order its consolidation if warranted;
- (c) Determine if the pleadings are in order and if not, order the amendments if necessary;
- (d) Determine if interlocutory issues are involved and resolve the same;
- (e) Consider the adding or dropping of parties;
- (f) Scrutinize every single allegation of the complaint, answer and other pleadings and attachments thereto, and the contents of documents and all other evidence identified and pre-marked during pre-trial in determining further admissions;
- (g) Obtain admissions based on the affidavits of witnesses and evidence attached to the pleadings or submitted during pre-trial;
- (h) Define and simplify the factual and legal issues arising from the pleadings and evidence. Uncontroverted issues and frivolous claims or defenses should be eliminated;
- (i) Discuss the propriety of rendering a summary judgment or a judgment based on the pleadings, evidence and admissions made during pre-trial;

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- (j) Observe the Most Important Witness Rule in limiting the number of witnesses, determining the facts to be proved by each witness and fixing the approximate number of hours per witness;
- (k) Encourage referral of the case to a trial by commissioner under Rule 32 of the Rules of Court or to a mediator or arbitrator under any of the alternative modes of dispute resolution governed by the Special Rules of Court on Alternative Dispute Resolution;
- (l) Determine the necessity of engaging the services of a qualified expert as a friend of the court (*amicus curiae*); and
- (m) Ask parties to agree on the specific trial dates for continuous trial, comply with the one-day examination of witness rule, adhere to the case flow chart determined by the court which shall contain the different stages of the proceedings up to the promulgation of the decision and use the time frame for each stage in setting the trial dates.

SEC. 7. Effect of failure to appear at pre-trial. – The court shall not dismiss the complaint, except upon repeated and unjustified failure of the plaintiff to appear. The dismissal shall be without prejudice, and the court may proceed with the counterclaim.

If the defendant fails to appear at the pre-trial, the court shall receive evidence *ex parte*.

SEC. 8. Minutes of pre-trial. – The minutes of each pre-trial conference shall contain matters taken up therein, more particularly admissions of facts and exhibits, and shall be signed by the parties and their counsel.

SEC. 9. Pre-trial order. – Within 10 days after the termination of the pre-trial, the court shall issue a pre-trial order setting forth the actions taken during the pre-trial conference, the facts stipulated, the admissions made, the evidence marked, the number of witnesses to be presented and the schedule of trial. Said order shall bind the parties, limit the trial to matters not disposed of and control the course of action during the trial.

SEC. 10. Efforts to settle. – The court shall endeavor to make the parties agree to compromise or settle in accordance with law at any stage of the proceedings before rendition of judgment.

RULE 4

TRIAL

SECTION 1. Continuous trial. – The judge shall conduct continuous trial which shall not exceed two months from the date of the issuance of the pre-trial order.

Before the expiration of the two-month period, the judge may ask the Supreme Court for the extension of the trial period for justifiable cause.

SEC. 2. Affidavits in lieu of direct examination. – In lieu of direct examination, affidavits marked during the pre-trial shall be presented as direct examination of affiants subject to cross-examination by the adverse party.

SEC. 3. One-day examination of witness rule. – The court shall strictly adhere to the rule that a witness has to be fully examined in one day, subject to the court's discretion of extending the examination for justifiable reason. After the presentation of the last witness, only oral offer of

evidence shall be allowed, and the opposing party shall immediately interpose his objections. The judge shall forthwith rule on the offer of evidence in open court.

SEC. 4. Submission of case for decision; filing of memoranda. – After the last party has rested its case, the court shall issue an order submitting the case for decision.

The court may require the parties to submit their respective memoranda, if possible in electronic form, within a non-extendible period of 30 days from the date the case is submitted for decision.

The court shall have a period of 60 days to decide the case from the date the case is submitted for decision.

SEC. 5. Period to try and decide. – The court shall have a period of one year from the filing of the complaint to try and decide the case. Before the expiration of the one-year period, the court may petition the Supreme Court for the extension of the period for justifiable cause. The court shall prioritize the adjudication of environmental cases.

RULE 5

JUDGMENT AND EXECUTION

SECTION 1. Reliefs in a citizen suit. – If warranted, the court may grant to the plaintiff proper reliefs which shall include the protection, preservation or rehabilitation of the environment and the payment of attorney’s fees, costs of suit and other litigation expenses. It may also require the violator to submit a program of rehabilitation or restoration of the environment, the costs of which shall be borne by the violator, or to contribute to a special trust fund for that purpose subject to the control of the court.

SEC. 2. Judgment not stayed by appeal. – Any judgment directing the performance of acts for the protection, preservation or rehabilitation of the environment shall be executory pending appeal unless restrained by the appellate court.

SEC. 3. Permanent EPO; writ of continuing mandamus. – In the judgment, the court may convert the TEPO to a permanent EPO or issue a writ of continuing *mandamus* directing the performance of acts which shall be effective until the judgment is fully satisfied.

The court may, by itself or through the appropriate government agency, monitor the execution of the judgment and require the party concerned to submit written reports on a quarterly basis or sooner as may be necessary, detailing the progress of the execution and satisfaction of the judgment. The other party may, at its option, submit its comments or observations on the execution of the judgment.

SEC. 4. Monitoring of compliance with judgment and orders of the court by a commissioner. – The court may *motu proprio*, or upon motion of the prevailing party, order that the enforcement of the judgment or order be referred to a commissioner to be appointed by the court. The commissioner shall file with the court written progress reports on a quarterly basis or more frequently when necessary.

SEC. 5. Return of writ of execution. – The process of execution shall terminate upon a sufficient showing that the decision or order has been implemented to the satisfaction of the court in accordance with Section 14, Rule 39 of the Rules of Court.

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RULE 6

STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION

SECTION 1. *Strategic lawsuit against public participation (SLAPP).* – A legal action filed to harass, vex, exert undue pressure or stifle any legal recourse that any person, institution or the government has taken or may take in the enforcement of environmental laws, protection of the environment or assertion of environmental rights shall be treated as a SLAPP and shall be governed by these Rules.

SEC. 2. *SLAPP as a defense; how alleged.* – In a SLAPP filed against a person involved in the enforcement of environmental laws, protection of the environment, or assertion of environmental rights, the defendant may file an answer interposing as a defense that the case is a SLAPP and shall be supported by documents, affidavits, papers and other evidence; and, by way of counterclaim, pray for damages, attorney’s fees and costs of suit.

The court shall direct the plaintiff or adverse party to file an opposition showing the suit is not a SLAPP, attaching evidence in support thereof, within a non-extendible period of five days from receipt of notice that an answer has been filed.

The defense of a SLAPP shall be set for hearing by the court after issuance of the order to file an opposition within 15 days from filing of the comment or the lapse of the period.

SEC. 3. *Summary hearing.* – The hearing on the defense of a SLAPP shall be summary in nature. The parties must submit all available evidence in support of their respective positions. The party seeking the dismissal of the case must prove by substantial evidence that his acts for the enforcement of environmental law is a legitimate action for the protection, preservation and rehabilitation of the environment. The party filing the action assailed as a SLAPP shall prove by preponderance of evidence that the action is not a SLAPP and is a valid claim.

SEC. 4. *Resolution of the defense of a SLAPP.* – The affirmative defense of a SLAPP shall be resolved within 30 days after the summary hearing. If the court dismisses the action, the court may award damages, attorney’s fees and costs of suit under a counterclaim if such has been filed. The dismissal shall be with prejudice.

If the court rejects the defense of a SLAPP, the evidence adduced during the summary hearing shall be treated as evidence of the parties on the merits of the case. The action shall proceed in accordance with the Rules of Court.

PART III

SPECIAL CIVIL ACTIONS

RULE 7

WRIT OF KALIKASAN

SECTION 1. *Nature of the writ.* – The writ is a remedy available to a natural or juridical person, entity authorized by law, people’s organization, non-governmental organization, or any public interest group accredited by or registered with any government agency, on behalf of persons whose constitutional right to a balanced and healthful ecology is violated, or threatened with violation by an unlawful act or omission of a public official or employee, or private individual or entity, involving

environmental damage of such magnitude as to prejudice the life, health or property of inhabitants in two or more cities or provinces.

SEC. 2. Contents of the petition. – The verified petition shall contain the following:

- (a) The personal circumstances of the petitioner;
- (b) The name and personal circumstances of the respondent or if the name and personal circumstances are unknown and uncertain, the respondent may be described by an assumed appellation;
- (c) The environmental law, rule or regulation violated or threatened to be violated, the act or omission complained of, and the environmental damage of such magnitude as to prejudice the life, health or property of inhabitants in two or more cities or provinces;
- (d) All relevant and material evidence consisting of the affidavits of witnesses, documentary evidence, scientific or other expert studies, and if possible, object evidence;
- (e) The certification of petitioner under oath that: (1) petitioner has not commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and no such other action or claim is pending therein; (2) if there is such other pending action or claim, a complete statement of its present status; (3) if petitioner should learn that the same or similar action or claim has been filed or is pending, petitioner shall report to the court that fact within five days therefrom; and
- (f) The reliefs prayed for which may include a prayer for the issuance of a TEPO.

SEC. 3. Where to file. – The petition shall be filed with the Supreme Court or with any of the stations of the Court of Appeals.

SEC. 4. No docket fees. – The petitioner shall be exempt from the payment of docket fees.

SEC. 5. Issuance of the writ. – Within three days from the date of filing of the petition, if the petition is sufficient in form and substance, the court shall give an order: (a) issuing the writ; and (b) requiring the respondent to file a verified return as provided in Section 8 of this Rule. The clerk of court shall forthwith issue the writ under the seal of the court including the issuance of a cease and desist order and other temporary reliefs effective until further order.

SEC. 6. How the writ is served. – The writ shall be served upon the respondent by a court officer or any person deputized by the court, who shall retain a copy on which to make a return of service. In case the writ cannot be served personally, the rule on substituted service shall apply.

SEC. 7. Penalty for refusing to issue or serve the writ. – A clerk of court who unduly delays or refuses to issue the writ after its allowance or a court officer or deputized person who unduly delays or refuses to serve the same shall be punished by the court for contempt without prejudice to other civil, criminal or administrative actions.

SEC. 8. Return of respondent; contents. – Within a non-extendible period of 10 days after service of the writ, the respondent shall file a verified return which shall contain all defenses to show that respondent did not violate or threaten to violate, or allow the violation of any environmental law, rule or regulation or commit any act resulting to environmental damage of such magnitude as to prejudice the life, health or property of inhabitants in two or more cities or provinces.

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All defenses not raised in the return shall be deemed waived.

The return shall include affidavits of witnesses, documentary evidence, scientific or other expert studies, and if possible, object evidence, in support of the defense of the respondent.

A general denial of allegations in the petition shall be considered as an admission thereof.

SEC. 9. *Prohibited pleadings and motions.*— The following pleadings and motions are prohibited:

- (a) Motion to dismiss;
- (b) Motion for extension of time to file return;
- (c) Motion for postponement;
- (d) Motion for a bill of particulars;
- (e) Counterclaim or cross-claim;
- (f) Third-party complaint;
- (g) Reply; and
- (h) Motion to declare respondent in default.

SEC. 10. *Effect of failure to file return.* – In case the respondent fails to file a return, the court shall proceed to hear the petition *ex parte*.

SEC. 11. *Hearing.* – Upon receipt of the return of the respondent, the court may call a preliminary conference to simplify the issues, determine the possibility of obtaining stipulations or admissions from the parties, and set the petition for hearing.

The hearing including the preliminary conference shall not extend beyond 60 days and shall be given the same priority as petitions for the writs of *habeas corpus*, *amparo* and *habeas data*.

SEC. 12. *Discovery Measures.* – A party may file a verified motion for the following reliefs:

- (a) *Ocular Inspection; order.* – The motion must show that an ocular inspection order is necessary to establish the magnitude of the violation or the threat as to prejudice the life, health or property of inhabitants in two or more cities or provinces. It shall state in detail the place or places to be inspected. It shall be supported by affidavits of witnesses having personal knowledge of the violation or threatened violation of environmental law.

After hearing, the court may order any person in possession or control of a designated land or other property to permit entry for the purpose of inspecting or photographing the property or any relevant object or operation thereon.

The order shall specify the person or persons authorized to make the inspection and the date, time, place and manner of making the inspection and may prescribe other conditions to protect the constitutional rights of all parties.

- (b) *Production or inspection of documents or things; order.* – The motion must show that a production order is necessary to establish the magnitude of the violation or the threat as to prejudice the life, health or property of inhabitants in two or more cities or provinces.

After hearing, the court may order any person in possession, custody or control of any designated documents, papers, books, accounts, letters, photographs, objects or tangible things, or objects in digitized or electronic form, which constitute or contain evidence relevant to the

petition or the return, to produce and permit their inspection, copying or photographing by or on behalf of the movant.

The production order shall specify the person or persons authorized to make the production and the date, time, place and manner of making the inspection or production and may prescribe other conditions to protect the constitutional rights of all parties.

SEC. 13. Contempt. – The court may after hearing punish the respondent who refuses or unduly delays the filing of a return, or who makes a false return, or any person who disobeys or resists a lawful process or order of the court for indirect contempt under Rule 71 of the Rules of Court.

SEC. 14. Submission of case for decision; filing of memoranda. – After hearing, the court shall issue an order submitting the case for decision. The court may require the filing of memoranda and if possible, in its electronic form, within a non-extendible period of 30 days from the date the petition is submitted for decision.

SEC. 15. Judgment.—Within 60 days from the time the petition is submitted for decision, the court shall render judgment granting or denying the privilege of the writ of *kalikasan*.

The reliefs that may be granted under the writ are the following:

- (a) Directing respondent to permanently cease and desist from committing acts or neglecting the performance of a duty in violation of environmental laws resulting in environmental destruction or damage;
- (b) Directing the respondent public official, government agency, private person or entity to protect, preserve, rehabilitate or restore the environment;
- (c) Directing the respondent public official, government agency, private person or entity to monitor strict compliance with the decision and orders of the court;
- (d) Directing the respondent public official, government agency, or private person or entity to make periodic reports on the execution of the final judgment; and
- (e) Such other reliefs which relate to the right of the people to a balanced and healthful ecology or to the protection, preservation, rehabilitation or restoration of the environment, except the award of damages to individual petitioners.

SEC. 16. Appeal. – Within 15 days from the date of notice of the adverse judgment or denial of motion for reconsideration, any party may appeal to the Supreme Court under Rule 45 of the Rules of Court. The appeal may raise questions of fact.

SEC. 17. Institution of separate actions. – The filing of a petition for the issuance of the writ of *kalikasan* shall not preclude the filing of separate civil, criminal or administrative actions.

RULE 8

WRIT OF CONTINUING MANDAMUS

SECTION 1. Petition for continuing mandamus. – When any agency or instrumentality of the government or officer thereof unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station in connection with the enforcement or violation of an environmental law rule or regulation or a right therein, or unlawfully excludes another from

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the use or enjoyment of such right and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty, attaching thereto supporting evidence, specifying that the petition concerns an environmental law, rule or regulation, and praying that judgment be rendered commanding the respondent to do an act or series of acts until the judgment is fully satisfied, and to pay damages sustained by the petitioner by reason of the malicious neglect to perform the duties of the respondent, under the law, rules or regulations. The petition shall also contain a sworn certification of non-forum shopping.

SEC. 2. *Where to file the petition.* – The petition shall be filed with the Regional Trial Court exercising jurisdiction over the territory where the actionable neglect or omission occurred or with the Court of Appeals or the Supreme Court.

SEC. 3. *No docket fees.* – The petitioner shall be exempt from the payment of docket fees.

SEC. 4. *Order to comment.* – If the petition is sufficient in form and substance, the court shall issue the writ and require the respondent to comment on the petition within 10 days from receipt of a copy thereof. Such order shall be served on the respondents in such manner as the court may direct, together with a copy of the petition and any annexes thereto.

SEC. 5. *Expediting proceedings; TEPO.* – The court in which the petition is filed may issue such orders to expedite the proceedings, and it may also grant a TEPO for the preservation of the rights of the parties pending such proceedings.

SEC. 6. *Proceedings after comment is filed.* – After the comment is filed or the time for the filing thereof has expired, the court may hear the case which shall be summary in nature or require the parties to submit memoranda. The petition shall be resolved without delay within 60 days from the date of the submission of the petition for resolution.

SEC. 7. *Judgment.* – If warranted, the court shall grant the privilege of the writ of continuing *mandamus* requiring respondent to perform an act or series of acts until the judgment is fully satisfied and to grant such other reliefs as may be warranted resulting from the wrongful or illegal acts of the respondent. The court shall require the respondent to submit periodic reports detailing the progress and execution of the judgment, and the court may, by itself or through a commissioner or the appropriate government agency, evaluate and monitor compliance. The petitioner may submit its comments or observations on the execution of the judgment.

SEC. 8. *Return of the writ.* – The periodic reports submitted by the respondent detailing compliance with the judgment shall be contained in partial returns of the writ.

Upon full satisfaction of the judgment, a final return of the writ shall be made to the court by the respondent. If the court finds that the judgment has been fully implemented, the satisfaction of judgment shall be entered in the court docket.

PART IV

CRIMINAL PROCEDURE

RULE 9

PROSECUTION OF OFFENSES

SECTION 1. *Who may file.* – Any offended party, peace officer or any public officer charged with the enforcement of an environmental law may file a complaint before the proper officer in accordance with the Rules of Court.

SEC. 2. *Filing of the information.* – An information, charging a person with a violation of an environmental law and subscribed by the prosecutor, shall be filed with the court.

SEC. 3. *Special prosecutor.* – In criminal cases, where there is no private offended party, a counsel whose services are offered by any person or organization may be allowed by the court as special prosecutor, with the consent of and subject to the control and supervision of the public prosecutor.

RULE 10

PROSECUTION OF CIVIL ACTIONS

SECTION 1. *Institution of criminal and civil actions.* – When a criminal action is instituted, the civil action for the recovery of civil liability arising from the offense charged, shall be deemed instituted with the criminal action unless the complainant waives the civil action, reserves the right to institute it separately or institutes the civil action prior to the criminal action.

Unless the civil action has been instituted prior to the criminal action, the reservation of the right to institute separately the civil action shall be made during arraignment.

In case civil liability is imposed or damages are awarded, the filing and other legal fees shall be imposed on said award in accordance with Rule 141 of the Rules of Court, and the fees shall constitute a first lien on the judgment award. The damages awarded in cases where there is no private offended party, less the filing fees, shall accrue to the funds of the agency charged with the implementation of the environmental law violated. The award shall be used for the restoration and rehabilitation of the environment adversely affected.

RULE 11

ARREST

SECTION 1. *Arrest without warrant; when lawful.* – A peace officer or an individual deputized by the proper government agency may, without a warrant, arrest a person:

- (a) When, in his presence, the person to be arrested has committed, is actually committing or is attempting to commit an offense; or
- (b) When an offense has just been committed, and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it.

Individuals deputized by the proper government agency who are enforcing environmental laws shall enjoy the presumption of regularity under Section 3(m), Rule 131 of the Rules of Court

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when effecting arrests for violations of environmental laws.

SEC. 2. Warrant of arrest. – All warrants of arrest issued by the court shall be accompanied by a certified true copy of the information filed with the issuing court.

RULE 12

CUSTODY AND DISPOSITION OF SEIZED ITEMS, EQUIPMENT, PARAPHERNALIA, CONVEYANCES AND INSTRUMENTS

SECTION 1. Custody and disposition of seized items.– The custody and disposition of seized items shall be in accordance with the applicable laws or rules promulgated by the concerned government agency.

SEC. 2. Procedure. – In the absence of applicable laws or rules promulgated by the concerned government agency, the following procedure shall be observed:

- (a) The apprehending officer having initial custody and control of the seized items, equipment, paraphernalia, conveyances and instruments shall physically inventory and whenever practicable, photograph the same in the presence of the person from whom such items were seized.
- (b) Thereafter, the apprehending officer shall submit to the issuing court the return of the search warrant within five days from date of seizure or in case of warrantless arrest, submit within five days from date of seizure, the inventory report, compliance report, photographs, representative samples and other pertinent documents to the public prosecutor for appropriate action.
- (c) Upon motion by any interested party, the court may direct the auction sale of seized items, equipment, paraphernalia, tools or instruments of the crime. The court shall, after hearing, fix the minimum bid price based on the recommendation of the concerned government agency. The sheriff shall conduct the auction.
- (d) The auction sale shall be with notice to the accused, the person from whom the items were seized, or the owner thereof and the concerned government agency.
- (e) The notice of auction shall be posted in three conspicuous places in the city or municipality where the items, equipment, paraphernalia, tools or instruments of the crime were seized.
- (f) The proceeds shall be held in trust and deposited with the government depository bank for disposition according to the judgment.

RULE 13

PROVISIONAL REMEDIES

SECTION 1. Attachment in environmental cases. – The provisional remedy of attachment under Rule 127 of the Rules of Court may be availed of in environmental cases.

SEC. 2. Environmental Protection Order (EPO); Temporary Environmental Protection Order (TEPO) in criminal cases. – The procedure for and issuance of EPO and TEPO shall be governed by Rule 2 of these Rules.

RULE 14

BAIL

SECTION 1. *Bail, where filed.* – Bail in the amount fixed may be filed with the court where the case is pending, or in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge or municipal circuit trial judge in the province, city or municipality. If the accused is arrested in a province, city or municipality other than where the case is pending, bail may also be filed with any Regional Trial Court of said place, or if no judge thereof is available, with any metropolitan trial judge, municipal trial judge or municipal circuit trial judge therein. If the court grants bail, the court may issue a hold-departure order in appropriate cases.

SEC. 2. *Duties of the court.* – Before granting the application for bail, the judge must read the information in a language known to and understood by the accused and require the accused to sign a written undertaking, as follows:

- (a) To appear before the court that issued the warrant of arrest for arraignment purposes on the date scheduled, and if the accused fails to appear without justification on the date of arraignment, accused waives the reading of the information and authorizes the court to enter a plea of not guilty on behalf of the accused and to set the case for trial;
- (b) To appear whenever required by the court where the case is pending; and
- (c) To waive the right of the accused to be present at the trial, and upon failure of the accused to appear without justification and despite due notice, the trial may proceed *in absentia*.

RULE 15

ARRAIGNMENT AND PLEA

SECTION 1. *Arraignment.* – The court shall set the arraignment of the accused within 15 days from the time it acquires jurisdiction over the accused, with notice to the public prosecutor and offended party or concerned government agency that it will entertain plea-bargaining on the date of the arraignment.

SEC. 2. *Plea-bargaining.* – On the scheduled date of arraignment, the court shall consider plea-bargaining arrangements. Where the prosecution and offended party or concerned government agency agree to the plea offered by the accused, the court shall:

- (a) Issue an order which contains the plea-bargaining arrived at;
- (b) Proceed to receive evidence on the civil aspect of the case, if any; and
- (c) Render and promulgate judgment of conviction, including the civil liability for damages.

RULE 16

PRE-TRIAL

SECTION 1. *Setting of pre-trial conference.* – After the arraignment, the court shall set the pre-trial conference within 30 days. It may refer the case to the branch clerk of court, if warranted, for a preliminary conference to be set at least three days prior to the pre-trial.

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SEC. 2. Preliminary conference. – The preliminary conference shall be for the following purposes:

- (a) To assist the parties in reaching a settlement of the civil aspect of the case;
- (b) To mark the documents to be presented as exhibits;
- (c) To attach copies thereof to the records after comparison with the originals;
- (d) To ascertain from the parties the undisputed facts and admissions on the genuineness and due execution of documents marked as exhibits;
- (e) To consider such other matters as may aid in the prompt disposition of the case;
- (f) To record the proceedings during the preliminary conference in the Minutes of Preliminary Conference to be signed by the parties and counsel;
- (g) To mark the affidavits of witnesses which shall be in question and answer form and shall constitute the direct examination of the witnesses; and
- (h) To attach the Minutes and marked exhibits to the case record before the pre-trial proper.

The parties or their counsel must submit to the branch clerk of court the names, addresses and contact numbers of the affiants.

SEC. 3. Pre-trial duty of the judge. – During the pre-trial, the court shall:

- (a) Place the parties and their counsels under oath;
- (b) Adopt the minutes of the preliminary conference as part of the pre-trial proceedings, confirm markings of exhibits or substituted photocopies and admissions on the genuineness and due execution of documents, and list object and testimonial evidence;
- (c) Scrutinize the information and the statements in the affidavits and other documents which form part of the record of the preliminary investigation together with other documents identified and marked as exhibits to determine further admissions of facts as to:
 - i. The court's territorial jurisdiction relative to the offense(s) charged;
 - ii. Qualification of expert witnesses; and
 - iii. Amount of damages;
- (d) Define factual and legal issues;
- (e) Ask parties to agree on the specific trial dates and adhere to the flow chart determined by the court which shall contain the time frames for the different stages of the proceeding up to promulgation of decision;
- (f) Require the parties to submit to the branch clerk of court the names, addresses and contact numbers of witnesses that need to be summoned by *subpoena*; and
- (g) Consider modification of order of trial if the accused admits the charge but interposes a lawful defense.

SEC. 4. Manner of questioning. – All questions or statements must be directed to the court.

SEC. 5. Agreements or admissions. – All agreements or admissions made or entered during the pre-trial conference shall be reduced in writing and signed by the accused and counsel; otherwise, they

cannot be used against the accused. The agreements covering the matters referred to in Section 1, Rule 118 of the Rules of Court shall be approved by the court.

SEC. 6. Record of proceedings. – All proceedings during the pre-trial shall be recorded, the transcripts prepared and the minutes signed by the parties or their counsels.

SEC. 7. Pre-trial order.—The court shall issue a pre-trial order within 10 days after the termination of the pre-trial, setting forth the actions taken during the pre-trial conference, the facts stipulated, the admissions made, evidence marked, the number of witnesses to be presented and the schedule of trial. The order shall bind the parties and control the course of action during the trial.

RULE 17

TRIAL

SECTION 1. Continuous trial. – The court shall endeavor to conduct continuous trial which shall not exceed three months from the date of the issuance of the pre-trial order.

SEC. 2. Affidavit in lieu of direct examination. – Affidavit in lieu of direct examination shall be used, subject to cross-examination and the right to object to inadmissible portions of the affidavit.

SEC. 3. Submission of memoranda. – The court may require the parties to submit their respective memoranda and if possible, in electronic form, within a non-extendible period of 30 days from the date the case is submitted for decision.

With or without any memoranda filed, the court shall have a period of 60 days to decide the case counted from the last day of the 30-day period to file the memoranda.

SEC. 4. Disposition period. – The court shall dispose the case within a period of 10 months from the date of arraignment.

SEC. 5. Pro bono lawyers. – If the accused cannot afford the services of counsel or there is no available public attorney, the court shall require the Integrated Bar of the Philippines to provide *pro bono* lawyers for the accused.

RULE 18

SUBSIDIARY LIABILITY

SECTION 1. Subsidiary liability. – In case of conviction of the accused and subsidiary liability is allowed by law, the court may, by motion of the person entitled to recover under judgment, enforce such subsidiary liability against a person or corporation subsidiarily liable under Article 102 and Article 103 of the Revised Penal Code.

RULE 19

STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION IN CRIMINAL CASES

SECTION 1. Motion to dismiss. – Upon the filing of an information in court and before arraignment, the accused may file a motion to dismiss on the ground that the criminal action is a SLAPP.

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SEC. 2. Summary hearing. – The hearing on the defense of a SLAPP shall be summary in nature. The parties must submit all the available evidence in support of their respective positions. The party seeking the dismissal of the case must prove by substantial evidence that his acts for the enforcement of environmental law is a legitimate action for the protection, preservation and rehabilitation of the environment. The party filing the action assailed as a SLAPP shall prove by preponderance of evidence that the action is not a SLAPP.

SEC. 3. Resolution. – The court shall grant the motion if the accused establishes in the summary hearing that the criminal case has been filed with intent to harass, vex, exert undue pressure or stifle any legal recourse that any person, institution or the government has taken or may take in the enforcement of environmental laws, protection of the environment or assertion of environmental rights.

If the court denies the motion, the court shall immediately proceed with the arraignment of the accused.

PART V

EVIDENCE

RULE 20

PRECAUTIONARY PRINCIPLE

SECTION 1. Applicability. – When there is a lack of full scientific certainty in establishing a causal link between human activity and environmental effect, the court shall apply the precautionary principle in resolving the case before it.

The constitutional right of the people to a balanced and healthful ecology shall be given the benefit of the doubt.

SEC. 2. Standards for application. – In applying the precautionary principle, the following factors, among others, may be considered: (1) threats to human life or health; (2) inequity to present or future generations; or (3) prejudice to the environment without legal consideration of the environmental rights of those affected.

RULE 21

DOCUMENTARY EVIDENCE

SECTION 1. Photographic, video and similar evidence. – Photographs, videos and similar evidence of events, acts, transactions of wildlife, wildlife by-products or derivatives, forest products or mineral resources subject of a case shall be admissible when authenticated by the person who took the same, by some other person present when said evidence was taken, or by any other person competent to testify on the accuracy thereof.

SEC. 2. Entries in official records. – Entries in official records made in the performance of his duty by a public officer of the Philippines, or by a person in performance of a duty specially enjoined by law, are *prima facie* evidence of the facts therein stated.

RULE 22

FINAL PROVISIONS

SECTION 1. *Effectivity.* – These Rules shall take effect within 15 days following publication once in a newspaper of general circulation.

SEC. 2. *Application of the Rules of Court.* – The Rules of Court shall apply in a suppletory manner, except as otherwise provided herein.

Effective: April 29, 2010.

ACT No. 3572
AN ACT TO PROHIBIT THE CUTTING OF TINDALO, AKLE, OR MOLAVE TREES,
UNDER CERTAIN CONDITIONS, AND TO PENALIZE VIOLATIONS THEREOF

Be it enacted by the Senate and House of Representative of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. The cutting in the public forests of tindalo, akle, or molave trees less than 60 centimeters in diameters measured at a height of four feet from the ground (breast high) is hereby prohibited.

SEC. 2. Any person, company or corporation violating the provisions of this Act shall be punished by a fine of not more than Fifty Pesos (P50) or imprisonment for not more than 15 days, or both, and to pay, besides, two times the amount of the tax on the timber cut: *Provided*, That in the case of a company or corporation, the president or manager shall be directly responsible for the acts of his employees or laborers if it is proven that the latter acted with his knowledge; otherwise the responsibility will extend only as far as fine is concerned: *Provided, further*, That all tindalo, akle, or molave timber cut in violation of this Act shall be forfeited to the government.

SEC. 3. All acts and provisions of law inconsistent herewith are hereby repealed.

SEC. 4. This Act shall take effect on its approval.

Approved: November 26, 1929

PRESIDENTIAL DECREE No. 705
REVISED FORESTRY CODE
REVISING PRESIDENTIAL DECREE No. 389, OTHERWISE KNOWN
AS THE FORESTRY REFORM CODE OF THE PHILIPPINES

As amended by Presidential Decree No. 1559, Presidential Decree No. 865, Presidential Decree No. 1775, Batas Pambansa Blg. 701, Batas Pambansa Blg. 83, Republic Act No. 7161, Executive Order No. 277 and 83 Official Gazette No. 31.

WHEREAS, proper classification, management and utilization of the lands of the public domain to maximize their productivity to meet the demands of our increasing population is urgently needed;

WHEREAS, to achieve the above purpose, it is necessary to reassess the multiple uses of forest lands and resources before allowing any utilization thereof to optimize the benefits that can be derived therefrom;

WHEREAS, it is also imperative to place emphasis not only on the utilization thereof but more so on the protection, rehabilitation and development of forest lands, in order to ensure the continuity of their productive condition;

WHEREAS, the present laws and regulations governing forest lands are not responsive enough to support reoriented government programs, projects and efforts on the proper classification and delimitation of the lands of the public domain, and the management, utilization, protection, rehabilitation, and development of forest lands;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby revise Presidential Decree No. 389 to read as follows:

SECTION 1. Title of this Code. – This decree shall be known as the “*Revised Forestry Code of the Philippines.*”

SEC. 2. Policies. – The State hereby adopts the following policies:

- a. The multiple uses of forest lands shall be oriented to the development and progress requirements of the country, the advancement of science and technology, and the public welfare;
- b. Land classification and survey shall be systematized and hastened;
- c. The establishment of wood-processing plants shall be encouraged and rationalized; and
- d. The protection, development and rehabilitation of forest lands shall be emphasized so as to ensure their continuity in productive condition.

SEC 3. Definitions.

- a. *Public forest* is the mass of lands of the public domain which has not been the subject of the present system of classification for the determination of which lands are needed for forest purposes and which are not.
- b. *Permanent forest or forest reserves* refer to those lands of the public domain which have been the subject of the present system of classification and determined to be needed for forest purposes.
- c. *Alienable and disposable lands* refer to those lands of the public domain which have been the subject of the present system of classification and declared as not needed for forest purposes.

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- d. *Forest land* includes the public forest, the permanent forest or forest reserves, and forest reservations.
- e. *Grazing land* refers to that portion of the public domain which has been set aside, in view of the suitability of its topography and vegetation, for the raising of livestock.
- f. *Mineral lands* refer to those lands of the public domain which have been classified as such by the Secretary of Natural Resources in accordance with prescribed and approved criteria, guidelines and procedure.
- g. *Forest reservations* refer to forest lands which have been reserved by the President of the Philippines for any specific purpose or purposes.
- h. *National park* refers to a forest land reservation essentially of primitive or wilderness character which has been withdrawn from settlement or occupancy and set aside as such exclusively to preserve the scenery, the natural and historic objects and the wild animals or plants therein, and to provide enjoyment of these features in such a manner as will leave them unimpaired for future generations.
- i. *Game refuge or bird sanctuary* refers to a forest land designated for the protection of game animals, birds and fishes and closed to hunting and fishing in order that the excess population may flow and restock surrounding areas.
- j. *Marine park* refers to any public offshore area delimited as habitat of rare and unique species of marine flora and fauna.
- k. *Seashore park* refers to any public shore area delimited for outdoor recreation, sports fishing, water skiing and related healthful activities.
- l. *Watershed reservation* is a forest land reservation established to protect or improve the conditions of the water yield thereof or reduce sedimentation.
- m. *Watershed* is a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface runoff.
- n. *Critical watershed* is a drainage area of a river system supporting existing and proposed hydroelectric power, irrigation works or domestic water facilities needing immediate protection or rehabilitation.
- o. *Mangrove* is a term applied to the type of forest occurring on tidal flat along the sea coast, extending along stream where the water is brackish.
- p. *Kaingin* refers to a portion of the forest land which is subjected to shifting and/or permanent slash-and-burn cultivation.
- q. *Forest product* means, timber, pulpwood, firewood, bark, tree top, resin, gum, wood, oil, honey beeswax, nipa, rattan, or other forest growth such as grass, shrub, and flowering plant, the associated water, fish, game, scenic, historical, recreational and geologic resources in forest lands.
- r. *Dipterocarp forest* is a forest dominated by trees of the dipterocarp species, such as red lauan, tanguile, tiaong, white lauan, almon, bagtikan and mayapis of the Philippine mahogany, group, apitong and the yakals.
- s. *Pine forest* is a forest type predominantly of pine trees.
- t. *Industrial tree plantation* refers to any forest land extensively planted to tree crops primarily to supply raw material requirements of existing or proposed wood processing plants and related industries.
- u. *Tree farm* refers to any small forest land or tract of land purposely planted to tree crops.

- v. *Agro-forestry* is a sustainable management for land which increases overall production, combines agricultural crops, tree and forest plants and/or animals simultaneously or sequentially, and applies management practices which are compatible with the cultural patterns of the local population.
- w. *Multiple-use* is the harmonized utilization of the land, soil, water, wildlife, recreation value, grass and timber of forest lands.
- x. *Selective logging* is the systematic removal of the mature, over-mature and defective trees in such manner as to leave adequate number and volume of healthy residual trees of the desired species necessary to assure a future crop of timber, and forest cover for the protection and conservation of soil; water and wildlife.
- y. *Seed tree system* is a silvicultural system characterized by partial clearcutting leaving seed-trees to regenerate the area.
- z. *Healthy residual* refers to a sound or slightly injured tree of the commercial species left after logging.
- aa. *Sustained-yield management* implies continuous or periodic production of forest products in a working unit for the purpose of achieving at the earliest practicable time an approximate balance between growth and harvest or use. This is generally applied to the commercial timber resources and is also applicable to the water, grass, wildlife, and other renewable resources of the forest.
- bb. *Processing plant* is any mechanical setup, device, machine or combination of machines used for the conversion of logs and other forest raw materials into lumber, veneer, plywood, fiberboard, blackboard, paper board, pulp, paper or other finished wood products.
- cc. *Lease* is a privilege granted by the State to a person to occupy and possess, in consideration of specified rental, any forest land of the public domain in order to undertake any authorized activity therein.
- dd. *License* is a privilege granted by the State to a person to utilize forest resources within any forest land, without any right of occupation and possession over the same, to the exclusion of others, or establish and operate a wood-processing plant, or conduct any activity involving the utilization of any forest resources.
- ee. *License agreement* is a privilege granted by the State to a person to utilize forest resources within any forest land with the right of possession and occupation thereof to the exclusion of others, except the government, but with the corresponding obligation to develop, protect and rehabilitate the same in accordance with the terms and conditions set forth in said agreement.
- ff. *Permit* is short-term privilege or authority granted by the State to a person to utilize any limited forest resources or undertake a limited activity within any forest land without any right to occupation and possession therein.
- gg. *Annual allowable cut* is the volume of materials, whether of wood or other forest products, that is authorized to be cut yearly from a forest.
- hh. *Cutting cycle* is the number of years between two major harvests in the same working unit and/or region.
- ii. *Forest ecosystem* refers to the living and non-living components of a forest and their interaction.
- jj. *Silviculture* is the establishment, development, reproduction and care of forest trees.
- kk. *Rationalization* is the organization of a business or industry using management principles, systems and procedures to attain stability, efficiency and profitability of operation.

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- ll. *Forest officer* means any official or employee of the Bureau who has been appointed or delegated by law or by competent authority to execute, implement or enforce the provisions of this Code, other related laws, as well as their implementing regulations.
- mm. *Private right* means or refers to titled rights of ownership under existing laws, and in the case of national minority to rights or possession existing at the time a license is granted under this Code, which possession may include places of abode and worship, burial grounds, and old clearings, but exclude productive forest inclusive of logged-over areas, commercial forests and established plantations of forest trees and trees of economic values.
- nn. *Person* includes natural as well as juridical person. [As amended by PD No. 1559]

CHAPTER I

ORGANIZATION AND JURISDICTION OF THE BUREAU

SECTION 4. *Creation of, and Merger of All Forestry Agencies Into, the Bureau of Forest Development.* – For the purpose of implementing the provisions of this Code, the Bureau of Forestry, the Reforestation Administration, the Southern Cebu Reforestation Development Project, and the Parks and Wildlife Office, including applicable appropriations, records, equipment, property and such personnel as may be necessary, are hereby merged into single agency to be known as the Bureau of Forest Development, hereinafter referred to as the Bureau.

SEC. 5. *Jurisdiction of Bureau.* – The Bureau shall have jurisdiction and authority over all forest land, grazing lands, and all forest reservations including watershed reservations presently administered by other government agencies or instrumentalities.

It shall be responsible for the protection, development, management, regeneration and reforestation of forest lands; the regulation and supervision of the operation of licensees, lessees and permittees for the taking or use of forest products therefrom or the occupancy or use thereof; the implementation of multiple use and sustained yield management in forest lands; the protection, development and preservation of national parks, marine parks, game refuges and wildlife; the implementation of measures and programs to prevent *kaingin* and managed occupancy of forest and grazing lands; in collaboration with other bureaus, the effective, efficient and economic classification of lands of the public domain; and the enforcement of forestry, reforestation, parks, game and wildlife laws, rules and regulations.

The Bureau shall regulate the establishment and operation of sawmills, veneer and plywood mills and other wood processing plants and conduct studies of domestic and world markets of forest products.

SEC. 6. *Director and Assistant Director and Their Qualifications.* – The Bureau shall be headed by a Director who shall be assisted by one or more Assistant Directors. The Director and Assistant Directors shall be appointed by the President.

No person shall be appointed Director or Assistant Director of the Bureau unless he is a natural born citizen of the Philippines, at least 30 years of age, a holder of at least a Bachelor's Degree in Forestry or its equivalent, and a registered forester.

SEC. 7. *Supervision and Control.* – The Bureau shall be directly under the control and supervision of the Secretary of the Department of Natural Resources, hereinafter referred to as the Department Head.

SEC. 8. Review. – All actions and decisions of the Director are subject to review, *motu proprio* or upon appeal of any person aggrieved thereby, by the Department Head whose decision shall be final and executory after the lapse of 30 days from receipt by the aggrieved party of said decision, unless appealed to the President in accordance with Executive Order No. 19, series of 1966. The Decision of the Department Head may not be reviewed by the courts except through a special civil action for *certiorari* or prohibition.

SEC. 9. Rules and Regulations. – The Department Head, upon the recommendation of the Director of Forest Development, shall promulgate the rules and regulations necessary to implement effectively the provisions of this Code.

SEC. 10. Creation of Functional Divisions, and Regional and District Offices. – All positions in the merged agencies are considered vacant. Present occupants may be appointed in accordance with a staffing pattern or plan or organization to be prepared by the Director and approved by the Department Head. Any appointee who fails to report for duty in accordance with the approved plan within 30 days upon receipt of notification shall be deemed to have declined the appointment, in which case the position may be filled by any other qualified applicant.

For the efficient and effective implementation of the program of the Bureau, the following divisions and sections are hereby created, to wit:

Divisions	Sections
Planning and Evaluation Division	Program Planning; Performance Evaluation; Forest Economics; Management Analysis Data & Information
Administrative Division	Personnel; Budget; Accounting; Information; General Services
Legal Division	
Reforestation and Afforestation Division	Cooperative Planting; Planting Stock Production; Plantation Management
Timber Management Division	Forest Surveys, Data & Mapping; Silviculture; Timber Inventory and Photo-Interpretation; Timber Management Plans; Land Classification
Utilization Division	Timber Operations; Land Uses; Utilization
Forest Protection and Infrastructure Management	Forest Protection; Forest Occupancy; Watershed Management Infrastructure
Parks, Range and Wildlife Division	Parks Management; Recreation Management; Wildlife Management; Range Management
Security and Intelligence Division	
Forest Development Training Center	Technical Training; Non-Technical Training

The Department Head may, upon recommendation of the Director, reorganize or create such other divisions, sections or units as may be deemed necessary and to appoint the personnel thereto; *Provided*, That an employee appointed or designated as officer-in-charge of a newly created division, section or unit, or to an existing vacant position with a higher salary, shall receive, from the date of such

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appointment or designation until he is replaced or reverted to his original position, the salary corresponding to the position temporarily held by him.

There shall be created at least 11 regional offices. In each region, there shall be as many forest districts as may be necessary, in accordance with the extent of forest area, established work loads, need for forest protection, fire prevention and other factors, the provisions of any law to the contrary notwithstanding: *Provided*, That the boundaries of such districts shall follow, whenever possible, natural boundaries of watersheds under the river-basin concept of management.

SEC. 11. *Manpower and Policy Development.* – The Bureau shall establish and operate an in-service training center for the purpose of upgrading and training its personnel and new employees.

The Bureau shall also set aside adequate funds to enable personnel to obtain specialized education and training in local or foreign colleges or institutions.

There shall be established in the College of Forestry, University of the Philippines at Los Baños, in coordination with the Department of Natural Resources and the wood industry, a Forestry Development Center which shall conduct basic policy researches in forestry and develop or help develop an effective machinery for forestry policy formulation and implementation. To help defray the cost of operating said Center, it is authorized to receive assistance from the wood industry and other sources. [As amended by PD No. 1559]

SEC. 12. *Performance Evaluation.* – The Bureau shall devise a system, to be approved by the Department Head, to evaluate the performance of its employees. The system shall measure accomplishment in quantity and quality of performance as related to the funded program of work assigned to each organizational unit. There shall be included a system of periodic inspection of district offices by the regional offices and the regional and district offices by the Central Office in both functional fields and in the overall assessment of how each administrative unit has implemented the laws, regulations, policies, programs, and practices relevant to such unit. The evaluation system shall provide the information necessary for annual progress reports and determination of employee training, civil service awards and transfer or disciplinary action.

CHAPTER II

CLASSIFICATION AND SURVEY

SECTION 13. *System of Land Classification.* – The Department Head shall study, devise, determine and prescribe the criteria, guidelines and methods for the proper and accurate classification and survey of all lands of the public domain into agricultural, industrial or commercial, residential, resettlement, mineral, timber or forest, and grazing lands, and into such other classes as now or may hereafter be provided by law, rules and regulations.

In the meantime, the Department Head shall simplify through inter-bureau action the present system of determining which of the unclassified lands of the public domain are needed for forest purposes and declare them as permanent forest to form part of the forest reserves. He shall declare those classified and determined not to be needed for forest purposes as alienable and disposable lands, the administrative jurisdiction and management of which shall be transferred to the Bureau of Lands: *Provided*, That mangrove and other swamps not needed for shore protection and suitable for fishpond purposes shall be released to, and be placed under the administrative jurisdiction and management of, the Bureau of Fisheries and Aquatic Resources. Those still to be classified under the present system shall continue to remain as part of the public forest.

SEC. 14. Existing Pasture Leases in Forest Lands. – Forest lands which are not reservations and which are the subject of pasture leases shall be classified as grazing lands and areas covered by pasture permits shall remain forest lands until otherwise classified under the criteria, guidelines and methods of classification to be prescribed by the Department Head: *Provided*, That the administration, management and disposition of grazing lands shall remain under the Bureau. [As amended by PD No. 1559]

SEC. 15. Topography. – No land of the public domain 18 percent in slope or over shall be classified as alienable and disposable, nor any forest land 50 percent in slope or over, as grazing land.

Lands 18 percent in slope or over which have already been declared as alienable and disposable shall be reverted to the classification of forest lands by the Department Head, to form part of the forest reserves, unless they are already covered by existing titles approved public land application, or actually occupied openly, continuously, adversely and publicly for a period of not less than 30 years as of the effectivity of this Code, where the occupant is qualified for a free patent under the Public Land Act: *Provided*, That said lands, which are not yet part of a well-established communities, shall be kept in a vegetative condition sufficient to prevent erosion and adverse effects on the lowlands and streams: *Provided, further*, That when public interest so requires, steps shall be taken to expropriate, cancel defective titles, reject public land application, or eject occupants thereof.

SEC. 16. Areas Needed for Forest Purposes. – The following lands, even if they are below 18 percent in slope, are needed for forest purposes, and may not, therefore, be classified as alienable and disposable land, to wit:

1. Areas less than 250 hectares which are far from, or are not contiguous with any certified alienable and disposable land;
2. Isolated patches of forest of at least five hectares with rocky terrain, or which protect a spring for communal use;
3. Areas which have already been reforested;
4. Areas within forest concessions which are timbered or have good residual stocking to support an existing, or approved to be established, wood processing plant;
5. Ridge tops and plateaus regardless of size found within, or surrounded wholly or partly by, forest lands where headwaters emanate;
6. Appropriately located road-rights-of-way;
7. Twenty-meter strips of land along the edge of the normal high waterline of rivers and streams with channels of at least 5 meters wide;
8. Strips of mangrove or swamplands at least 20 meters wide, along shorelines facing oceans, lakes, and other bodies of water, and strips of land at least 20 meters wide facing lakes;
9. Areas needed for other purposes, such as national parks, national historical sites, game refuges and wildlife sanctuaries, forest station sites, and others of public interest; and
10. Areas previously proclaimed by the President as forest reserves, national parks, game refuge, bird sanctuaries, national shrines, national historic sites:

Provided, That in case an area falling under any of the foregoing categories shall have been titled in favor of any person, steps shall be taken, if public interest so requires, to have said title canceled or amended, or the titled area expropriated.

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SEC. 17. *Establishment of Boundaries of Forest Lands.* – All boundaries between permanent forests and alienable or disposable lands shall be clearly marked and maintained on the ground, with infrastructure or roads, or concrete monuments at intervals of not more than 500 meters in accordance with established procedures and standards, or any other visible and practicable signs to insure protection of the forest.

In all cases of boundary conflicts, reference shall be made to the Philippine Coast and Geodetic Survey Topo map. [As amended by PD No. 1559]

SEC. 18. *Reservations in Forest Lands and Off-Shore Areas.* – The President of the Philippines may establish within any lands of the public domain, forest reserve and forest reservation for the national park system, for preservation as critical watersheds, or for any other purpose, and modify boundaries of existing ones. The Department Head may reserve and establish any portion of the public forest or forest reserve as site or experimental forest for use of the Forest Research Institute. When public interest so requires, any offshore areas needed for the preservation and protection of its educational, scientific, historical, ecological and recreational values including the marine life found therein, shall be established as marine parks.

CHAPTER III

UTILIZATION AND MANAGEMENT

SECTION 19. *Multiple Use.* – The numerous beneficial uses of the timber, land, soil, water, wildlife, grass and recreation or aesthetic value of forest lands and grazing lands shall be evaluated and weighted before allowing their utilization, exploitation, occupation or possession thereof, or the conduct of any activity therein.

Only the utilization, exploitation, occupation or possession of any forest lands and grazing lands, or any activity therein, involving one or more of its resources, which will produce the optimum benefits to the development and progress of the country, and the public welfare, without impairment or with the least injury to its resources, shall be allowed.

All forest reservations may be open to development or uses not inconsistent with the principal objectives of the reservation; *Provided*, That critical watersheds, national parks and established experimental forests shall not be subject to commercial logging or grazing operations, and game refuges, bird sanctuaries, marine and seashore parks shall not be subject to hunting or fishing and other activities of commercial nature. [As amended by PD No. 1559]

SEC. 20. *License Agreement, License, Lease, or Permit.* – No person may utilize, exploit, occupy, possess or conduct any activity within any forest and grazing land, or establish, install, add and operate any wood or forest products processing plant, unless he had been authorized to do under a license agreement, license, lease or permit: *Provided*, That when the national interest so requires, the President may amend, modify, replace, or rescind any contract, concession, permit, license, or any other form of privilege granted herein: *Provided, further*, That upon the recommendation of the appropriate government agency, the President may, pending the conduct of appropriate hearing, order the summary suspension of any such contract, concession, license, permit, lease or privilege granted under this decree for violation of any of the conditions therein such as those pertaining but not limited to reforestation, pollution, environment protection, export limitation or such condition as are prescribed by the Department of Natural Resources in daily issued regulations. [As amended by PD No. 1559]

SEC. 21. Sustained Yield. – All measures shall be taken to achieve an approximate balance between growth and harvest or use of forest products in forest lands.

A. TIMBER

SECTION 22. Silvicultural and Harvesting Systems. – In any logging operation in production forests within forest lands, the proper silvicultural and harvesting system that will promote optimum sustained yield shall be practiced, to wit:

- a. For dipterocarp forest, selective logging with enrichment or supplemental planting when necessary.
- b. For pine or mangrove forest, the seed tree system with planting when necessary: *Provided*, That subject to the approval of the Department Head, upon recommendation of the Director, any silvicultural and harvesting system that may be found suitable as a result of research may be adopted: *Provided, further*, That no authorized person shall cut, harvest or gather any timber, pulpwood, or other products of logging unless he plants three times of the same variety for every tree cut or destroyed by such logging or removal of logs. Any violation of this provision shall be sufficient ground for the immediate cancellation of the license, agreement, lease or permit. [As amended by PD No. 1559]

SEC. 23. Timber Inventory. – The Bureau shall conduct a program of progressive inventories of the harvestable timber and young trees in all forest lands, whether covered by any license agreement, license, lease or permit, or not, until a 100 percent timber inventory thereon has been achieved.

SEC. 24. Required Inventory Prior to Timber Utilization in Forest Lands. – No harvest of timber in any forest land shall be allowed unless it has been the subject of at least a five percent timber inventory, or any statistically sound timber estimate, made not earlier than five years prior to the issuance of a license agreement or license allowing such utilization.

SEC. 25. Cutting Cycle. – The Bureau shall apply scientific cutting cycle and rotation in all forest lands, giving particular consideration to the age, volume and kind of healthy residual trees which may be left undisturbed and undamaged for future harvest and forest cover in dipterocarp area, and seed trees and reproduction in pine area.

SEC. 26. Annual Allowable Cut. – The annual allowable cut or harvest of any particular forest land under a license agreement, license, lease or permit shall be determined on the basis of the size of the area, the volume and kind of harvestable timber or forest products and healthy residuals, seed trees and reproduction found therein, and the established cutting cycle and rotation thereof.

No person shall cut, harvest and gather any particular timber, pulpwood, firewood and other forest products unless he has been authorized under Section 20 hereof to do so and the particular annual allowable cut thereof has been granted.

In the public interest and in accordance with Section 21 hereof, the Department Head shall review all existing annual allowable cut and thereupon shall prescribe the level of annual allowable cut for the common dipterocarp timber, softwood and hardwood timber cutting of which is not prohibited, pulpwood, firewood and other forest products using as bases the factors as well as the updated aerial photographs and field inventories of such forest land: *Provided*, That pending the completion of such review and appropriate amendment of the annual allowable cut in existing license agreement, license, lease or permit existing annual allowable cut that not sufficiently supports wood or forest products processing plant or that will support duly approved processing expansion program or new processing

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projects may be allowed to continue without change: *Provided, further,* That no additional or adjustment in annual allowable cut shall be made until after such a review has been made. [As amended by PD No. 1559]

SEC. 27. Duration of License Agreement or License to Harvest Timber in Forest Lands. – The duration of the privilege to harvest timber in any particular forest land under a license agreement or license shall be fixed and determined in accordance with the annual allowable cut therein, the established cutting cycle thereof, the yield capacity of harvestable timber, and the capacity of healthy residuals for a second growth.

The privilege shall automatically terminate, even before the expiration of the license agreement of license, the moment the harvestable timber have been utilized without leaving any logged-over area capable of commercial utilization.

The maximum period of any privilege to harvest timber is 25 years, renewable for a period, not exceeding 25 years, necessary to utilize all the remaining commercial quantity or harvestable timber either from the unlogged or logged-over area.

It shall be a condition for the continued privilege to harvest timber under any license or license agreement that the licensee shall reforest all the areas which shall be determined by the Bureau.

SEC. 28. Size of Forest Concessions. – Forest lands shall not be held in perpetuity.

The size of the forest lands which may be the subject of timber utilization shall be limited to that which a person may effectively utilize and develop for a period of 50 years, considering the cutting cycle, the past performance of the applicant and his capacity not only to utilize but, more importantly, to protect and manage the whole area, and the requirements of processing plants existing or to be installed in the region.

Forest concessions which had been the subject of consolidations shall be reviewed and reevaluated for the effective implementation of protection, reforestation and management thereof under the multiple use and sustained yield concepts, and for the processing locally of the timber resources therefrom.

B. WOOD-PROCESSING

SECTION 29. Incentives to the Wood Industry. – The Department Head, in collaboration with other government agencies and the wood industry associations and other private entities in the country, shall evolve incentives for the establishment of an integrated wood industry in designated wood industry centers and/or economic area.

The President of the Philippines, upon the recommendations of the National Economic Development Authority and the Department Head, may establish wood industry import-export centers in selected locations: *Provided,* That logs imported for such centers shall be subject to such precaution as may be imposed by the Bureau, in collaboration with proper government agencies, to prevent the introduction of pests, insects and/or diseases detrimental to the forests.

SEC. 30. Rationalization of the Wood or Forest Products Industry. – While the expansion and integration of existing wood or forest products processing plants, as well as the establishment of new processing plants shall be encouraged, their locations and operations shall be regulated in order to rationalize the whole industry.

No expansion or integration of existing processing plant nor establishment of new processing plant shall be allowed unless environmental considerations are taken into account and adequate raw material supply on a sustained-yield basis is assured.

A long-term assurance of raw material source from forest concessions and/or from industrial tree plantations, tree farms or agro-forest farms whose annual allowable cut and/or whose harvest is deemed sufficient to meet the requirement of such processing plant shall govern, among others, the grant of the privilege to establish, install additional capacity or operate a processing plant.

Henceforth within one year from the date of this law, as a condition to exercise of the privileges granted them under a license agreement, license, lease or permit, wood or forest products processors without forest concessions or areas that may be developed into industrial tree plantations, tree farms or agro-forest farms and licensees, lessees or permittees without processing plants shall jointly adopt any feasible scheme or schemes, other than log supply contract, for the approval of the Department Head, *Provided*, That no license agreement, license, lease or permit including processing plant permit, shall be granted or renewed unless said scheme or schemes are submitted to, and approved by, the Department Head.

All processing plants existing, to be expanded, to be integrated or to be established shall obtain operating permits, licenses and/or approval from the Bureau or the Department, as the case may be, and shall submit themselves to other regulations related to their operation.

The Department Head may cancel, suspend, or phaseout all inefficient, wasteful, uneconomical or perennially short in raw material wood or forest products processing plants which are not responsive to the rationalization program of the government. [As amended by PD No. 1569]

SEC. 31. Wood Wastes, Weed Trees and Residues. – Timber licensees shall be encouraged and assisted to gather and save the wood wastes and weed trees in their concessions, and those with processing plants, the wood residues thereof, for utilization and conversion into wood by-products and derivatives.

SEC. 32. Log Production and Processing. –Unless otherwise directed by the President, upon recommendation of the Department Head, the entire production of logs by all timber licensees shall, beginning January 1,1976 be processed locally: *Provided*, That the following conditions must be complied with by those who apply to be allowed to export a portion of their log production to be determined by the Department Head such that the total log export of these timber licensees shall not exceed 25 percent of the total national allowable cut:

1. Timber licensees with existing viable processing plants; or
2. Timber licensees with processing projects duly approved by the Department Head; or
3. Timber licensees who have acquired viable processing machinery and equipment which will be installed and will become operational in accordance with the schedule approved by the Department Head; and
4. Timber licensees whose log export support or are in line with, government-approved trade agreement.

Provided, further, That no person shall be given a permit to export if he has not complied with the requirements on replanting and reforestation. *Provided*, That the President may, upon recommendation of the Department Head, whenever the export price of logs falls to unreasonably low level or whenever public interest so requires, cancel log exportation or reduce the maximum allowable proportion for log exports.

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All timber licensees who have no processing plant and who have no plan to establish the same shall, jointly with wood processors, adopt a scheme or schemes for the processing of the log production in accordance with Section 30 hereof. [As amended by PD No. 865, and by PD No. 1559]

C. REFORESTATION

SECTION 33. *Lands to be Reforested and/or Afforested.* – Lands to be reforested and/or afforested are as follows:

1. Public forest lands:
 - a. Bare or grass-covered tracts of forest lands;
 - b. Brushlands or tracts of forest lands generally covered with brush, which need to be developed to increase their productivity;
 - c. Open tracts of forest lands interspersed with patches of forest;
 - d. Denuded or inadequately timbered areas proclaimed by, the President as forest reserves and reservations as critical watersheds, national parks, game refuge, bird sanctuaries, national shrines, national historic sites;
 - e. Inadequately-stock forest lands within forest concessions;
 - f. Portions of areas covered by pasture leases or permits needing immediate reforestation;
 - g. River banks, easements, road right-of-ways, deltas, swamps, former river beds, and beaches.
2. Private Lands:
 - a. Portions of private lands required to be reforested or planted to trees pursuant to Presidential Decree Nos. 953 and 1153 and other existing laws. [As amended by PD No. 1559. PD 1153 repealed by EO No. 287, s. 1987]

SEC. 34. *Industrial Tree Plantations, Tree Farms and Agro-Forestry Farms.* – A lease for a period of 50 years for the establishment of an industrial tree plantations, tree farm or agro-forestry farm, may be granted by the Department Head, upon recommendation of the Director, to any person qualified to develop and exploit natural resources, over timber or forest lands of the public domain categorized in Section 33(1) hereof except those under paragraphs d and g with a minimum area of 100 hectares for industrial tree plantations and agro-forestry farms and 10 hectares for tree farms: *Provided*, That the size of the area that may be granted under each category shall, in each case, depend upon the capability of the lessee to develop or convert the area into productive condition within the term of the lease.

The lease may be granted under such terms and conditions as the Department Head may prescribe, taking into account, among others, the raw material needs of forest based and other industries and the maintenance of a wholesome ecological balance.

Trees and other products raised within the industrial tree plantation, tree farm or agro-forestry farm belong to the lessee who shall have the right to sell, contract, convey, or dispose of said planted trees and other products in any manner he sees fit, in accordance with existing laws, rules and regulations.

Reforestation projects of the Government, or portion thereof, which, upon field evaluation, are found to be more suitable for, or can better be developed as industrial tree plantations, tree farms or agro-forestry farms, in terms of benefits to the Government and the general surrounding area, may be the subject of a lease under this Section. [As amended by PD No. 1559]

SEC. 35. Property. – Over any suitable area covered by a timber license agreement or permit, the priority to establish industrial tree plantation, tree farms or agro-forestry farm shall be given to the holder thereof after the Bureau had determined the suitability of such area and has set aside the same for the purpose.

The priority herein granted must, however, be availed of within a reasonable period otherwise the area shall be declared open to any qualified person and consequently segregated from the licensee's or permittee's area.

Priority shall also be given to the establishment of communal industrial tree plantations by *barangays*, municipalities or cities and provinces. [As amended by PD No. 1559]

SEC. 36. Incentives. – To encourage qualified persons to engage in industrial tree plantation, tree farm and/or agro-forest farm, the following incentives are granted:

- a. Payment of a nominal filing fee of fifty centavos (P0.50) per hectare;
- b. No rental shall be collected during the first five years from the date of the lease, from the sixth year to the 10th year, the annual rental shall be fifty centavos (P0.50) per hectare; and thereafter, the annual rental shall be One Peso (P1) per hectare: *Provided*, That lessees of areas long denuded, as certified by the Director and approved by the Department Head, shall be exempted from the payment of rental for the full term of the lease which shall not exceed 25 years; for the first five-years following the renewal of the lease, the annual rental shall be fifty centavos (P0.50) per hectare; and thereafter, the annual rental shall be One Peso (P1) per hectare: *Provided, further*, That notwithstanding the foregoing, no rental shall be collected from a lessee who, upon verification by the Bureau, substantially meets the schedule of development of the industrial tree plantation, the tree farm, or agro-forestry farm, as the case may be, as prescribed in the development plan submitted to, and approved by the Department Head, upon recommendation of the Director;
- c. The forest charges payable by a lessee on the timber and other forest products grown and cut or gathered in an industrial tree plantation, tree farm, or agro-forestry farm shall only be 25 percent of the regular forest charges prescribed in the National Internal Revenue Code;
- d. Exemption from the payment of the percentage tax levied in Title V of the National Internal Revenue Code when the timber and forest products are sold, bartered or exchanged by the lessee, whether in their original state or not, as well as exemption from all forms of sales tax, local and municipal taxes, and from the real property tax under the provisions of Presidential Decree No. 853;
- e. A lessee shall not be subject to any obligation prescribed in, or arising out of, the provisions of the National Internal Revenue Code on withholding of tax at source upon interest paid on borrowing incurred for development and operation of the industrial tree plantation, tree farm, or agro-forestry farm;
- f. Except when public interest demands, the boundaries of an area covered by an industrial tree plantation, tree farm, or agro-forestry farm lease, once established on the ground, shall not be altered or modified;
- g. Amounts expended by a lessee in the development and operation of an industrial tree plantation, tree farm, or agro-forestry farm prior to the time when the production state is reached, may, at the option of the lessee, be regarded as ordinary and necessary business expenses or as capital expenditures;
- h. The Board of Investments shall, notwithstanding its nationality requirement on projects involving natural resources, classify industrial tree plantations, tree farms and agro-forestry farms as pioneer

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areas of investment under its annual priority plan, to be governed by the rules and regulations of said Board;

In addition to the incentives under this section, private landowners who engage in tree farming on areas 50 hectares or below by planting their lands with *ipil-ipil* and other fast growing trees shall be exempt from the inventory requirement and other requirements before harvest as provided in this Decree for lessees of forest lands of the public domain: *Provided*, That the transport of trees cut shall be accompanied by the corresponding certificate of origin duly issued by the authorized forest officer. [As added by BP Blg. 701, approved April 5, 1984]

- i. Approved industrial tree plantations, tree farms, and agro-forestry farms shall be given priority in securing credit assistance from the government and government-supported financing institutions which shall set aside adequate funds for lending to the lessee and/or investor at reasonable interest rates;
- j. The lessee and its field employees and workers shall be exempted from the provisions of Presidential Decree No. 1153;
- k. Government institutions administering or financing programs and projects requiring wood materials shall specify the purchase of, or utilize, manufactured products derived from trees grown and harvested from industrial tree plantations, tree farms or agro-forestry farms, whenever possible;
- l. No wood, wood products or wood-derived products including pulp paper, paperboard shall be imported if the same are available in required quantities and reasonable prices, as may be certified by the Department Head, from artificial or man-made forests, or local processing plants manufacturing the same;
- m. No processing plant of whatever nature or type, made of, or utilization, wood as primary materials shall be allowed to be established, expanded or integrated, and operated without a long-term assurance or raw materials source from forest concessions and/or from industrial tree plantations, tree farms or agro-forestry farms in accordance with Section 30 hereof;
- n. Timber grown and harvested from industrial tree plantations, tree farms and agro-forestry farms may be exported without restriction in quantity or volume, and if the exporter is the same person or firm qualified and allowed to export logs under the provisions of this Decree, such timber from plantations/farms may be exported exclusive of the quantity or volume authorized under Section 32 hereof: *Provided*, That the rentals on the forest land and the forest charges on the plantation timber shall have been paid: *Provided, further*, That the export of the plantation timber shall be covered by a certificate to export issued by the Department Head on a yearly basis: *Provided, finally*, That the Department Head may at any time review the exportation of timber harvested from the plantations/farms and either reduce or totally suspend the export of such plantation timber whenever public interest so requires; and
- o. Free technical advice from government foresters and farm technicians.

The Department Head may provide other incentives in addition to those hereinafter granted to promote industrial tree plantations, tree farms and agro-forestry farms in special areas such as, but not limited to, those where there are no roads or where roads are inadequate, or areas with rough topography and remote areas far from processing plants. [As amended by PD No. 1559]

D. FOREST PROTECTION

SECTION 37. Protection of All Resources. – All measures shall be taken to protect the forest resources from destruction, impairment and depletion.

SEC. 38. Control of Concession Area. – In order to achieve the effective protection of the forest lands and the resources thereof from illegal entry, unlawful occupation, *kaingin*, fire, insect infestation, theft, and other forms of forest destruction, the utilization of timber therein shall not be allowed except through license agreements under which the holders thereof shall have the exclusive privilege to cut all the allowable harvestable timber in their respective concessions, and the additional right of occupation, possession, and control over the same, to the exclusive of all others, except the government, but with the corresponding obligation to adopt all the protection and conservation measures to ensure the continuity of the productive condition of said areas, conformably with multiple use and sustained yield management.

If the holder of a license agreement over a forest area expressly or impliedly waives the privilege to utilize any softwood, hardwood or mangrove species therein, a license may be issued to another person for the harvest thereof without any right of possession or occupation over the areas where they are found, but he shall, likewise, adopt protection and conservation measures consistent with those adopted by the license agreement holder in the said areas.

SEC. 39. Regulation of Timber Utilization in All Other Classes of Lands and of Wood Processing Plants. – The utilization of timber in alienable and disposable lands, private lands, civil reservations, and all lands containing standing or felled timber, including those under the jurisdiction of other government agencies, and the establishment and operation of sawmills and other wood-processing plants, shall be regulated in order to prevent them from being used as shelters for excessive and unauthorized harvests in forest lands, and shall not therefore be allowed except through a license agreement, license, lease or permit.

SEC. 40. Timber Inventory in Other Lands Containing Standing or Felled Timber. – The Bureau shall conduct a 100 percent timber inventory in alienable and disposable lands and civil reservations immediately upon classification or reservation thereof.

No harvest of standing or felled timber in alienable and disposable lands, private lands, civil reservation, and all other lands, including those under the jurisdiction of other government agencies, shall be allowed unless a 100 percent timber inventory has been conducted thereon.

SEC. 41. Sworn Timber Inventory Reports. – All reports on timber inventories of forest lands, alienable and disposable lands, private lands, civil reservations, and all lands containing standing or felled timber must be subscribed and sworn to by all the forest officers who conducted the same.

SEC. 42. Participation in the Development of Alienable and Disposable Lands and Civil Reservations. – The privilege to harvest timber in alienable and disposable lands and civil reservations shall be given to those who can best help in the delineation and development of such areas in accordance with the management plan of the appropriate government exercising jurisdiction over the same.

The extent of participation shall be based on the amount of timber which may be harvested therefrom.

SEC. 43. Swamplands and Mangrove Forests. – Strips of mangrove forest bordering numerous islands which protect the shoreline, the shoreline roads, and even coastal communities from the destructive force of the sea during high winds and typhoons, shall be maintained and shall not be alienated. Such strips must be kept free from artificial obstruction so that flood water will flow unimpeded to the sea to avoid flooding or inundation of cultivated areas in the upstream.

All mangrove swamps set aside for coast-protection purposes shall not be subject to clear-cutting operation.

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Mangrove and other swamps released to the Bureau of Fisheries and Aquatic Resources for fishpond purposes which are not utilized, or which have been abandoned for five years from the date of such release shall revert to the category of forest land.

SEC. 44. Visitorial Power. – The Department Head may, by himself or through the Director or any qualified person duly designated by the Department Head, investigate, inspect and examine records, books and other documents relating to the operation of any holder of a license agreement, license, lease, or permit, and its subsidiary or affiliated companies to determine compliance with the terms and conditions thereof, this Code and pertinent laws, policies, rules and regulations.

SEC. 45. Authority of Forest Officers. – When in the performance of their official duties, forest officers, or other government officials or employees duly authorized by the Department Head or Director, shall have free entry into areas covered by a license agreement, license, lease or permit.

Forest officers are authorized to administer oath and take acknowledgment in official matters connected with the functions of their office, and to take testimony in official investigations conducted under the authority of this Code and the implementing rules and regulations.

SEC. 46. Scaling Stations. – In collaboration with appropriate government agencies, the Bureau shall establish control or scaling stations at suitably located outlets of timber and other forest products to insure that they were legally cut or harvested.

SEC. 47. Mining Operations. – Mining operations in forest lands shall be regulated and conducted with due regard to protection, development and utilization of other surface resources.

Location, prospecting, exploration, utilization or exploitation of mineral resources in forest reservations shall be governed by Mining laws, rules and regulations. No location, prospecting, exploration, utilization, or exploitation of mineral resources inside forest concessions shall be allowed unless proper notice has been served upon the licensees thereof and the prior approval of the Director, secured.

Mine tailings and other pollutants affecting the health and safety of the people, water, fish, vegetation, animal life and other surface resources, shall be filtered in silt traps or other filtration devices and only clean exhausts and liquids shall be released therefrom.

Surface-mined areas shall be restored to as near its former natural configuration or as approved by the Director prior to its abandonment by the mining concern.

SEC. 48. Mineral Reservations. – Mineral reservations which are not the subject of mining operations or where operations have been suspended for more than five years shall be placed under forest management by the Bureau.

Mineral reservations where mining operations have been terminated due to the exhaustion of its minerals shall revert to the category of forest land, unless otherwise reserved for other purposes.

SEC. 49. Roads and Other Infrastructure. – Roads and other infrastructure in forest lands shall be constructed with the least impairment to the resource values thereof. Government agencies undertaking the construction of roads, bridges, communications, and other infrastructure and installations inside forest lands, shall coordinate with the Bureau, especially if it will involve the utilization or destruction of timber and/or other forest resources, or watershed disturbance therein, in order to adopt measures to avoid or reduce damage or injury to the forest resource values.

They shall likewise extend assistance in the planning and establishment of roads, wharves, piers, port facilities, and other infrastructure in locations designated as wood-processing centers or for the convenience of wood-based industries.

In order to coincide and conform to government plans, programs, standards, and specifications, holders of license agreements, licenses, leases and permits shall not undertake road or infrastructure construction or installation in forest lands without the prior approval of the Director, or in alienable and disposable lands, civil reservations and other government lands, without the approval of the government agencies having administrative jurisdiction over the same.

All roads and infrastructure constructed by holders of license agreements, licenses, leases and permits belong to the State and the use and administration thereof shall be transferred to the government immediately upon the expiration or termination thereof. Prior thereto the Bureau may authorize the public use thereof, if it will not be detrimental to forest conservation measures.

Where roads are utilized by more than one commercial forest user, the Bureau shall prescribe the terms and conditions of joint use including the equitable sharing of construction and/ or maintenance costs, and of the use of these roads by other parties and the collection of such fees as may be deemed necessary.

Sec. 50. Logging Roads. – There shall be indiscriminate construction of logging roads.

Such roads shall be strategically located and their widths regulated so as to minimize clear-cutting, unnecessary damage or injury to healthy residuals, and erosion. Their construction must not only serve the transportation need of the logger, but, most importantly, the requirement to save as many healthy residuals as possible during cutting and hauling operations.

Sec. 51. Management of Occupancy in Forest Lands. – Forest occupancy shall henceforth be managed. The Bureau shall study, determine and defined which lands may be the subject of occupancy and prescribed therein, an agro-forestry development program.

Occupants shall undertake measures to prevent and protect forest resources. Any occupancy in forest land which will result in sedimentation, erosion, reduction in water yield and impairment of other resources to the detriment of community and public interest shall not allowed.

In areas above 50 percent in slope, occupation shall be conditioned upon the planting of desirable trees thereon and/or adoption of other conservation measures.

Sec. 52. Census of Kaingineros, Squatters, Cultural Minorities and Other Occupants and Residents in Forest Lands. – Henceforth, no person shall enter into forest lands and cultivate the same without lease or permit.

A complete census of kaingineros, squatters, cultural minorities and other occupants and residents in forest lands with or without authority or permits from the government, showing the extent of their respective occupation and resulting damage, or impairment of forest resources, shall be conducted.

The Bureau may call upon other agencies of the government and holders of license agreement, license, lease and permits over forest lands to participate in the census.

Sec. 53. Criminal Prosecution. – *Kaingineros*, squatters, cultural minorities and other occupants who entered into forest lands and grazing lands before May 19, 1975, without permit or authority, shall not be prosecuted: *Provided*, That they do not increase their clearings: *Provided, further*, That they undertake, within two months from notice thereof, the activities to be imposed upon them by the Bureau in accordance with management plan calculated to conserve and protect forest resources in the area:

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Provided, finally, That kaingineros, squatters, cultural minorities and other occupants shall whenever the best land use of the area so demands as determined by the Director, be ejected and relocated to the nearest accessible government resettlement area. [As amended by PD No. 1559]

E. SPECIAL USES

SECTION 54. Pasture in Forest Lands. – No forest land 50 percent in slope or over may be utilized for pasture purposes.

Forest lands which are being utilized for pasture shall be maintained with sufficient grass cover to protect soil, water and other forest resources.

If grass cover is insufficient, the same shall be supplemented with trees or such vegetative cover as maybe deemed necessary.

The size of forest lands that may be allowed for pasture and other special uses shall be determined by rules and regulations, any provision of law to the contrary notwithstanding.

SEC. 55. Wildlife. – All measures shall be adopted to conserve wildlife. The Director shall regulate the hunting of wildlife in forest lands in order to maintain an ecological balance of flora and fauna. [As amended by PD No. 1559]

SEC.56. Recreation. – The Bureau shall, in the preparation of multiple-use management plans, identify and provide for the protection of scenic areas in all forest lands which are potentially valuable for recreation and tourism, and plan for the development and protection of such areas to attract visitors thereto and meet increasing demands therefor.

The construction and operation of necessary facilities to accommodate outdoor recreation shall be done by the Bureau with the use of funds derived from rentals and fees for the operation and use of recreational facilities by private persons or operators, in addition to whatever funds may be appropriated for such purposes.

SEC. 57. Other Special Uses of Forest Lands. – Forest lands may be leased for a period not exceeding 25 years, renewable upon the expiration thereof for a similar period, or held under permit, for the establishment of sawmills, lumber yards, timber depots, logging camps, rights-of-way, or for the construction of sanatoria, bathing establishments, camps, salt works, or other beneficial purposes which do not in any way impair the forest resources therein.

F. QUALIFICATIONS

SECTION 58. Diffusion of Benefits. – The privilege to utilize, exploit, occupy, or possess forest lands, or to conduct any activity therein, or to establish and operate wood-processing plants, shall be diffused to as many qualified and deserving applicants as possible.

SEC. 59. Citizenship. – In the evaluation of applications of corporations, increased Filipino equity and participation beyond the 60 percent constitutional limitation shall be encouraged. All other factors being equal, the applicant with more Filipino equity and participation shall be preferred.

SEC. 60. Financial and Technical Capability. – No license agreement, license, lease or permit over forest lands shall be issued to an applicant unless he proves satisfactorily that he has the financial resources

and technical capability not only to minimize utilization, but also to practice forest protection, conservation and development measures to insure the perpetuation of said forest in productive condition.

SEC. 61. Transfers. – Unless authorized by the Department Head, no licensee, lessee, or permittee may transfer, exchange, sell or convey his license agreement, license, lease or permit, or any of his rights or interests therein, or any of his assets used in connection therewith.

The licensee, lessee or permittee shall be allowed to transfer or convey his license agreement, license, lease or permit only if the license, lease or permit has been in existence for at least three years, the licensee, lessee or permittee has not violated any forestry law, rule or regulation and has been faithfully complying with the terms and conditions of the license agreement, license, lease or permit, the transferee has all the qualifications and none of the disqualifications to hold a license agreement, license, lease or permit, there is no evidence that such transfer of conveyance is being made for purposes of speculation; and the transferee shall assume all the obligations of the transferor.

As used in this Section, the term assets shall not include cattle and other livestock or animals raised in grazing lands and forest lands, and planted trees and other products raised in industrial tree plantations, tree farms and agro-forestry farms. [As amended by PD No. 1559]

SEC. 62. Service Contracts. – The Department Head, may in the national interest, allow forest products licensees, lessees or permittees to enter into service contracts for financial, technical, management, or other forms of assistance, in consideration of a fee, with any foreign person or entity for the exploration, development, exploitation or utilization of the forest resources, covered by their license agreements, licenses, leases or permits. Existing valid and binding service contracts for financial, technical, management or other forms of assistance are hereby recognized as such.

SEC. 63. Equity Sharing. – Every corporation holding a license agreement, license, lease, or permit to utilize, exploit, occupy or possess any forest land, or conduct any activity therein, or establish and operate a wood-processing plant, shall within one year after the effectivity of this Code, formulate and submit to the Department Head for approval a plan for the sale of at least 20 percent of its subscribed capital stock in favor of its employees and laborers.

The plan shall be so implemented that the sale of the shares of stock shall be effected by the corporation not later than the sixth year of its operation, or the first year of the effectivity of this Code, if the corporation has been in operation for more than five years prior to such effectivity.

No corporation shall be issued any license agreement, license, lease or permit after the effectivity of this Code, unless it submits such a plan and the same is approved for implementation within the sixth year of its operation.

The Department Head shall promulgate the necessary rules and regulations to carry out the provisions of this Section, particularly on the determination of the manner of payment factors affecting the selling price, establishment of priorities in the purchase of the shares of stock, and the capability of the deserving employees and laborers. The industries concerned shall extend all assistance in the promulgation of policies on the matter, such as the submission of all data and information relative to their operation, personnel management, and asset evaluation.

G. REGULATORY FEES

SECTION 64. Charges, Fees, and Bonds. – The Department Head, upon recommendation of the Director, shall fix the amount of charges, rental, bonds, and fees for the different kinds of utilization, exploitation,

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occupation, possession, or activity inside forest lands, the filing and processing of application therefore, the issuance and renewal of license agreements, licenses, leases and permits, and for other services: *Provided*, That all fees and charges presently being collected under existing laws and regulations shall continue to be imposed and collected until otherwise provided: *Provided, further*, That timber taken and removed from private lands for commercial purposes shall be exempt from the payment of forest charges.

SEC. 65. Authority of Department Head to Impose Other Fees. – In addition to the fees and charges imposed under existing laws, rules and regulations, the Department Head is hereby authorized, upon recommendation of the Director and in consultation with representatives of the industries affected, to impose other fees for forest protection, management, reforestation, and development, the proceeds of which shall accrue into a special deposit of the Bureau as its revolving fund for the aforementioned purposes.

SEC. 66. Collection and Disbursement. – The collection of the charges and fees abovementioned shall be the responsibility of the Director or his authorized representative. The Director shall remit his monthly collection of fees and charges mentioned in Section 64 to the Treasurer of the Philippines within the first 10 days of the succeeding month; *Provided*, That the proceeds of the collection of the fees imposed under Section 65 and the special deposit heretofore required of licensees shall be constituted into a revolving fund for such purposes and be deposited in the Philippine National Bank, as a special deposit of the Bureau. The Budget Commissioner and the National Treasurer shall effect the quarterly releases out of the collection accruing to the general fund upon request of the Director on the basis of a consolidated annual budget of a work program approved by the Department Head and the President.

In the case of the special deposit revolving fund, withdrawals therefrom shall be effected by the Department Head on the basis of a consolidated annual budget prepared by the Director of a work program for the specific purposes mentioned in Section 65.

SEC. 67. Basis of Assessment. – Tree measurement shall be the basis for assessing government charges and other fees on timber cut and removed from forest lands, alienable or disposable lands, and the civil reservations; *Provided*, That until such time as the mechanics of tree measurement shall have been developed and promulgated in rules and regulations, the present scaling method provided for in the National Internal Revenue Code shall be used.

The Director may, with the approval of the Department Head, prescribe a new method of assessment of forest products and collection of charges thereon based upon the result of production cost and market studies undertaken by the Bureau; *Provided*, That such charges shall not be lower than those now imposed.

H. TAXATION FOR FOREST PRODUCTS

SECTION 68. Measuring of Forest Products and Invoicing and Collection of Charges Thereon. – The duties incident to the measuring of forest products shall be discharged by the Bureau of Forest Development under regulations of the Ministry of Natural Resources (now, Secretary of Environment and Natural Resources). The invoicing and collection of the charges thereon shall be done by the Bureau of Internal Revenue under regulations approved by the Minister of Finance (now Department of Finance). [As amended by BP Blg. 83, Sept. 17, 1980]

SEC. 69. Mode of Measuring Timber. – Except as herein below provided, all timber shall be measured and manifested in the round or squared, before being sawn or manufactured. The volume of all round

timber shall be ascertained by multiplying the area of the small end by the length of the log, the diameter of the log to be measured exclusive of the bark; but if the end of a log is irregular, the average diameter shall be used; and in order to ascertain the volume of a log more than eight meters long, the diameter of the middle of said log or the average of the diameters at both ends thereof shall be used as basis. If a log in the round, cut under license, is measured and manifested by forest officers, the Director of Forest Development shall make due allowance for rot, cavities or other natural defects; but from any decision of the Director of Forest Development in this respect, an appeal shall lie to his Ministry Head (now, Department Head), whose decision shall be final. The manifest of timber cut by licensees operating sawmills in or near the forest shall be attested by forest officers whenever practicable.

The volume of squared timber shall be ascertained by multiplying the average of the cross section measured by the length, to which 40 percent shall be added for loss in squaring: *Provided, however,* That if squared timber cut under license is measured and manifested by forest officers, the Director of Forest Development shall make due allowance for rot, cavities, or other natural defects; but from any decision of the Director of Forest Development in this respect, an appeal shall lie to his Ministry Head (Department Head), whose decision shall be final. The privilege of manifesting timber after squaring shall, however, be granted only to licensees who have squared their logs in the forests with the ax and intend to take it to the market in this form.

If sawn or otherwise manufactured timber is found which has not been manifested in accordance with the provisions hereof, the corresponding forest charges shall be assessed on twice the volume of the actual contents of such sawn or manufactured timber. [As amended by BP Blg. 83, September 17, 1980]

SEC. 70. Charges on Timber Cut in Forest Land. – There shall be collected charges on each cubic meter of timber cut in forest land, whether belonging to the first, second, third or fourth group, 25 percent of the actual FOB market price based on species and grading: *Provided, however,* That, in the case of pulpwood and matchwood cut in forestland, forest charges on each cubic meter shall be 10 percent of the actual FOB market price. [As amended by RA No. 7161, October 10, 1991]

SEC. 71. Charges on Firewood, Branches and Other Recoverable Wood Wastes of Timber. – Except for all mangrove species whose cutting shall be banned, there shall be collected forest charges on each cubic meter of firewood cut in forestland, branches and other recoverable wood wastes of timber, such as timber ends, tops and stumps when used as raw materials for the manufacture of finished products, Ten Pesos (P10).

Only third or fourth group wood can be taken for firewood. However, if jointly authorized by the Secretaries of both the Departments of Environment and Natural Resources and Agriculture, first and second group woods may be removed for firewood purposes from land which is more valuable for agricultural than for forest purposes. [As amended by RA No. 7161]

SEC. 72. Charges on Minor Forest Products. – All other forest products of forestland which are not covered by the preceding sections shall be exempt from any or all forest charges, except rattan, gums and resins, bees-wax, gutapercha, almaciga resin and bamboo which shall be charged at 10 percent of the actual FOB market price. [As amended by RA No. 7161]

SEC. 73. Effectivity and Application of Forest Charges and Determination of Market Price of Forest Products. – The rates of forest charges provided for in Sections 70, 71 and 72 hereof shall be effective upon approval of this Act. The new rates shall be published in the Official Gazette or in two newspapers

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of national circulation and shall also be posted in conspicuous places in the different Department of Environment and Natural Resources field offices.

The actual FOB market price of forest products shall be justly determined once a year by the Secretary of Environment and Natural Resources: *Provided*, That he shall cause the creation of a committee to be composed of representatives of the Department of Environment and Natural Resources, the National Economic Development Authority the Department of Trade and Industry, the Bureau of Internal Revenue and the wood and furniture industry and consumer sectors which shall formulate the criteria and/or guidelines in the determination of the actual FOB market price to be used as the basis for the assessment of the *ad valorem* tax, taking into consideration production cost (developing cost, contingencies and miscellaneous cost), species and grade of timber, government share, reforestation, tariff duties, taxes, risk involved and a reasonable margin of profit for domestic and export market prices for wood and wood products.

These forest charges shall be applied to naturally growing timber and forest products gathered within public forest lands, alienable and disposable lands and private lands. Forest charges collected shall be in lieu of the administrative charge on environment and other fees and charges imposed thereon: *Provided*, That planted trees and other forest products harvested from industrial tree plantations and private lands covered by existing tiller or by approved land application are exempted from payment of forest charges. [As amended by RA No. 7161]

SEC. 74. Charges on Gums, Resins, and Other Forest Products. – On gums, resins, rattan, and other forest products of forest lands which are not herein above provided for, there is herein imposed upon the person removing such forest product a charge of 10 percent of the actual market value thereof, determined in the manner indicated below.

The market value of the various forest products on which forest charges may thus be collected shall be determined from time to time by a joint assessment of the Commissioner and the Director of Forest Development, to be approved by their respective Ministry Heads (Department Heads), the same to be published for the information of public in the Official Gazette, in two daily newspaper of national circulation, and posted in a conspicuous place in the municipal building of a municipality concerned. [As amended by BP Blg. 83]

SEC. 75. Tax Exemptions of Forest Products Lawfully Removed under Gratuitous License. – No charges shall be collected on forest products removed in conformity with the terms of a gratuitous license of the Bureau of Forest Development and in compliance with the law and the regulations of such Bureau. [As amended by BP Blg. 83]

SEC. 76. Tax Exemption of Trees and Products Removed from Public Lands under a Tree Farm Lease. – No charges shall be collected on trees and products removed from public lands planted to *ipil-ipil* and/or *falcata* under a tree farm lease with the Government. [As amended by BP Blg. 83]

CHAPTER IV

CRIMINAL OFFENSES AND PENALTIES

SECTION 77. Cutting, Gathering and/or Collecting Timber, or Other Forest Products without License. – Any person who shall cut, gather, collect, remove timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised

Penal Code: *Provided*, That in the case of partnership, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

The Court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed, as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found. [As amended by PD No. 1559, and by EO No. 277, prom. July 25, 1987, 83 OG No. 31, August 3, 1987]

SEC. 77-A. Administrative Authority of the Department Head or His Duly Authorized Representative to Order Confiscation. – In all cases of violations of this Code or other forest laws, rules and regulations, the Department Head or his duly authorized representative, may order the confiscation of any forest products illegally cut, gathered, removed, or possessed or abandoned, and all conveyances used either by land, water or air in the commission of the offense and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter. [As added by EO No. 277]

SEC. 77-B. Rewards to Informants. – Any person who shall provide any information leading to the apprehension and conviction of any offender for any violation of this Code or other forest laws, rules and regulations, or confiscation of forest products, shall be given a reward in the amount of 20 percent of the proceeds of the confiscated forest products. [As added by EO No. 277]

SEC. 78. Unlawful Occupation or Destruction of Forest Lands and Grazing Lands. – Any person who enters and occupies or possesses, or makes *kaingin* for his own private use or for others, any forest land or grazing land without authority under a license agreement, lease, license or permit, or in any manner destroys such forest land or grazing land or part thereof, or causes any damage to the timber stand and other products and forest growth found therein, or who assists, aids or abets any other person to do so, or sets a fire, or negligently permits a fire to be set in any forest land or grazing land, or refuses to vacate the area when ordered to do so, pursuant to the provisions of Section 53 hereof shall, upon conviction, be fined in an amount of not less than Five Hundred Pesos (P500), nor more than Twenty Thousand Pesos (P20,000) and imprisoned for not less than six months nor more than two years for each such offense, and be liable to the payment of 10 times to the rental fees and other charges which would have accrued had the occupation and use of the land been authorized under a license agreement, lease, license or permit: *Provided*, That in the case of an offender found guilty of making *kaingin*, the penalty shall be imprisonment for not less than two nor more than four years and a fine equal to eight times the regular forest charges due on the forest products destroyed, without prejudice to the payment of the full cost of production of the occupied area as determined by the Bureau: *Provided, further*, That the maximum of the penalty prescribed herein shall be imposed upon the offender who repeats the same offense and double the maximum of the penalty upon the offender who commits the same offense for the third time.

In all cases, the Court shall further order the eviction of the offender from the land the forfeiture to the government of all improvements made and all vehicles, domestic animals and equipment of any kind used in the commission of the offense. If not suitable for use by the Bureau, said vehicles, domestic animals, equipment and improvements shall be sold at public auction, the proceeds of which shall accrue to the Development Fund of the Bureau.

In case the offender is a government official or employee, he shall, in addition to the above penalties be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position. [As amended by PD No. 1559]

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SEC. 79. *Pasturing Livestock.* – Imprisonment for not less than six months nor more than two years and a fine equal to 10 times the regular rentals due, in addition to the confiscation of such livestock and all improvements introduced in the area in favor of the government, shall be imposed upon any person, who shall, without authority under a lease or permit, graze or cause to graze livestock in forest lands, grazing lands and alienable and disposable lands which have not as yet been disposed of in accordance with the Public Land Act; *Provided*, That in case the offender is a corporation, partnership or association, the officers and directors thereof shall be liable.

SEC. 80. *Illegal Occupation of National Parks System and Recreation Areas and Vandalism Therein.* – Any person who, shall, without permit, occupy for any length of time any portion of the national parks system or shall, in any manner cut, destroy, damage or remove timber or any species of vegetation or forest cover and other natural resources found therein, or shall mutilate, deface or destroy objects of natural beauty or of scenic value within areas in the national parks system, shall be fined not less than Five Hundred Pesos (P500) or more than Twenty Thousand Pesos (P20,000) exclusive of the value of the thing damaged; *Provided*, That if the area requires rehabilitation or restoration as determined by the Director, the offender shall also be required to restore or compensate or the restoration of the damage: *Provided, further*, That any person who, without proper permit shall hunt, capture or kill any kind of bird, fish or wild animal life within the area in the national parks system shall be subject to the same penalty: *Provided, finally*, That the Court shall order eviction of the offender from the land and the forfeiture in favor of the government of all timber or any species or vegetation and other natural resources collected or removed, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible and liable for the act of his employees or laborers.

In the event that an official or employee of a city or municipal government is primarily responsible for detecting and convicting the violator of the provisions of this Section, 50 percent of fine collected shall accrue to such municipality or city for the development of local parks. [As amended by PD No. 1559]

SEC. 81. *Destruction of Wildlife Resources.* – Any person violating the provisions of Section 55 of this Code, or the regulations promulgated thereunder, shall be fined not less than One Hundred Pesos (P100) for each such violation and in addition shall be denied a permit for a period of three years from the date of the violation.

SEC. 82. *Survey by Unauthorized Persons.* – Imprisonment for not less than two nor more than four years, in addition to the confiscation of the implements used in the violation of this Section including the cancellation of the license, if any, shall be imposed upon any person who shall, without permit to survey from the Director, enter any forest lands, whether covered by a license agreement, lease, license, or permit, or not, and conduct or undertake a survey for whatever purpose.

SEC. 83. *Misclassification and Survey by Government Official or Employee.* – Any public officer or employee who knowingly surveys, classifies, or recommends the release of forest lands as alienable and disposable lands contrary to the criteria and standards established in this Code, or the rules and regulations promulgated hereunder, shall, after an appropriate administrative proceeding, be dismissed from the service with prejudice to reemployment, and upon conviction by a court of competent jurisdiction, suffer an imprisonment of not less than one year and a fine of not less than One Thousand Pesos (P1,000). The survey, classification or release of forestlands shall be null and void.

SEC. 84. *Tax Declaration on Real Property.* – Imprisonment for a period of not less than two nor more than four years and perpetual disqualification from holding an elective or appointive office, shall be

imposed upon any public officer or employee who shall issue a tax declaration on real property without a certification from the Director of Forest Development and the Director of Lands or their duly designated representatives that the area declared for taxation is alienable and disposable lands, unless the property is titled or has been occupied and possessed by members of the national cultural minorities prior to July 4, 1955.

SEC. 85. Coercion and Influence. – Any person who coerces, influences, abets or persuades the public officer or employee referred to in Sections 74 and 75 commit any of the acts mentioned therein shall suffer imprisonment of not less than one year and pay a fine of Five Hundred Pesos (P500) for every hectare or a fraction thereof so improperly surveyed, classified or released.

In all other cases, any person who coerces, influences, abets or persuades the public officer or employee by using power and influence in deciding any pending case or matter in his favor shall be punished by a fine of not more than Five Thousand Pesos (P5,000) and imprisonment of not less than one year. [As amended by PD No. 1559]

SEC. 86. Payment, Collection and Remittance of Forest Charges. – Any person who fails to pay the amount due and payable under the provisions of this Code, the National Internal Revenue Code, or the rules and regulations promulgated thereunder, shall be liable to the payment of a surcharge of 25 percent of the amount due and payable.

Any person who fails or refuses to remit to the proper authorities said forest charges collectible pursuant to the provisions of this Code or the National Internal Revenue Code, or who delays, obstructs or prevents the same, or who orders, causes or effects the transfer or diversion of the funds for purposes other than those specified in this Code, for each such offense shall, upon conviction, be punished by a fine of not exceeding One Hundred Thousand Pesos (P100,000) and/or imprisonment for a period of not exceeding six years in the discretion of the Court. If the offender is a government official or employee, he shall, in addition, be dismissed from the service with prejudice to reinstatement and with disqualification from holding any elective or appointive office.

If the offender is a corporation, partnership or association, the officers and directors thereof shall be liable.

SEC. 87. Sale of Wood Products. – No person shall sell or offer for sale any log, lumber, plywood or other manufactured wood products in the international or domestic market unless he complies with grading rules and established or to be established by the Government.

Failure to adhere to the established grading rules and standards, or any act of falsification of the volume of logs, lumber, or other forest products shall be a sufficient cause for the suspension of the export, sawmill, or other license or permit authorizing the manufacture or sale of such products for a period of not less than two years.

A duly accredited representative of the Bureau shall certify to the compliance by the licenses with grading rules.

Every dealer in lumber and other building material covered by this Code shall issue an invoice for each sale of such material and such invoice shall state that the kind, standard and size of material sold to each purchaser in exactly the same as described in the invoice. Any violation of this Section shall be sufficient ground for the suspension of the dealer's license for a period of not less than two years and, in addition thereto, the dealer shall be punished for each such offense by a fine of not less than Two Hundred Pesos (P200) or the total value of the invoice, whichever is greater.

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SEC. 89. Arrest, Institution of Criminal Actions. – A forest officer or employee of the Bureau or any personnel of the Philippine Constabulary/ Philippine National Police shall arrest even without warrant any person who has committed or is committing in his presence any of the offenses defined in this Chapter. He shall also seize and confiscate, in favor of the government, the tools and equipment used in committing the offense, and the forest products cut, gathered or taken by the of offender in the process of committing the offense. The arresting forest officer or employee shall thereafter deliver within six hours from the time of arrest and seizure, the offender and the confiscated forest products, tools and equipment to, and file the proper complaint with, the appropriate official designated by law to conduct preliminary investigation and file information in Court.

If the arrest and seizure are made in the forest, far from the authorities designated by law to conduct preliminary investigations, the delivery to, and filing of the complaint with, the latter shall be done within a reasonable time sufficient to the place of delivery. The seized products, materials and equipment shall be immediately disposed of in accordance with forestry administrative orders promulgated by the Department Head.

The Department Head may deputize any agency, *barangay* or barrio official, or any qualified person to protect the forest and exercise the power or authority provided for in the preceding paragraph.

Reports and complaints regarding the commission of any of the offenses defined in this Chapter, not committed in the presence of any forest officer or employee, or any personnel of the Philippine Constabulary/Philippine National Police or any of the deputized officers or officials, shall immediately be investigated by the forest officer assigned in the area or any personnel of the Philippine Constabulary/Philippine National Police where the offense was allegedly committed, who shall thereupon receive the evidence supporting the report or complaint.

If there is *prima facie* evidence to support the complaint or report, the investigating forest officer and/or members of the Philippine Constabulary/Philippine National Police shall file the necessary complaint with the appropriate official authorized by law to conduct a preliminary investigation of criminal cases and file an information in Court. [As amended by PD No. 1775]

SEC. 89-A. – The Armed Forces of the Philippines shall organize a special force in every region to help enforce the provisions of this act under such rules and regulations as may be agreed upon by the Secretaries of National Defense and Natural Resources. [As inserted by PD No. 1559.]

SEC. 89-B. – Administrative Authority of the Director to Impose Fines. – In all cases of violations of this Code and other forest laws, rules and regulations where fine is the principal penalty, the Director is hereby authorized to impose administratively the penalty consisting of the fine. [As inserted by PD No. 1559]

SPECIAL CLAUSE

SECTION 90. Separability Clause. – Should any provision herein be subsequently declared unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SEC. 91. Repealing Clause. – Presidential Decree Nos. 330, and 389, Commonwealth Act No. 452, Republic Act No. 4715 and all laws, orders, rules and regulations or any part thereof which are inconsistent herewith are hereby repealed or amended accordingly.

SEC. 92. Date of Effectivity. – This Code shall take effect immediately upon promulgation.

Done in the City of Manila, this 19th day of May 1975.

PRESIDENTIAL DECREE No. 856
CODE ON SANITATION

WHEREAS, the health of the people, being of paramount importance, all efforts of public services should be directed towards the protection and promotion of health; and

WHEREAS, with the advance in the field of sanitation in recent years, there arises the need for updating and codifying our scattered sanitary laws to ensure that they are in keeping with modern standards of sanitation and provide a handy reference and guide for their enforcement;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree the following Code on Sanitation:

CODE ON SANITATION OF THE PHILIPPINES

CHAPTER 1

GENERAL PROVISIONS

SECTION 1. Title. – The title of this Code is “*Code on Sanitation of the Philippines.*”

SEC. 2. Definition of Terms. – Whenever any of the following words or terms is used herein or in any rule or regulation issued under this Code, it shall have the meaning given it in this Section, as follows:

- (a) *Code.* – Code on Sanitation of the Philippines.
- (b) *Department.* – The Department of Health.
- (c) *Secretary.* – The Secretary of Health.
- (d) *Regional Director* – an official who heads a Regional Health Office.
- (e) *Local Health Authority* – an official or employee responsible for the application of a prescribed health measure in a local political subdivision.
- (f) *Health Officer.* – Provincial, City or Municipal Health Officer.
- (g) *Engineer.* – A Sanitary Engineer.
- (h) *Section* – any section of this Code unless the term refers to other statutes which are specifically mentioned.

SEC 3. Functions of the Department of Health. – The Department shall have the following powers and functions:

- (a) Undertake the promotion and preservation of the health of the people and raise the health standards of individuals and communities throughout the Philippines;
- (b) Extend maximum health services to the people in rural areas and provide medical care to those who cannot afford it by reason of poverty;
- (c) Develop, administer and coordinate various health activities and services which shall include public health, preventive, curative and rehabilitative programs, medical care, health and medical education services;

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- (d) Upgrade the standards of medical practice, the quality of health services and programs to assure the people of better health services;
- (e) Assist local health agencies in developing public health programs including medical care, and promote medical and public health research;
- (f) Issue permits to establish and operate government and private hospitals, clinics, dispensaries, schools of nursing, midwifery, and other para-medical courses, puericulture centers, clinical laboratories and blood banks;
- (g) Prescribe standard rates of fees for health, medical, laboratory, and other public health services; and
- (h) Performs such other functions as may be provided by law.

SEC. 4. Authority of the Secretary. – In addition to the powers and authority of the Secretary which are provided by law, he is likewise empowered to promulgate rules and regulations for the proper implementation and enforcement of the provisions of this Code.

SEC. 5. Authority of the Bureau of Directors. – The Bureau Directors shall be responsible for staff activities involving the development of plans, programs, operating standards and management techniques in their respective field of assignment.

SEC. 6. Authority of the Regional Directors. – The Regional Directors shall administer health functions in their regions, implement policies, standards and programs involving health services; and enforce the provisions of this Code and the rules and regulations promulgated by the Secretary under this Code.

SEC. 7. Authority of the Health Officers. – The health officers shall administer health functions in areas under their jurisdiction and enforce the provisions of this Code and the rules and regulations promulgated by the Secretary under this Code.

SEC. 8. Miscellaneous Provisions.

- (a) *International treaties, agreements and conventions.* – The Republic of the Philippines recognizes international treaties, agreements and conventions on public health. Their provisions may be considered parts of this Code provided they do not contravene the Constitution, existing laws or any provision of this Code.
- (b) *Rights and proceedings.* – Any proceeding which has commenced or any right which has accrued upon the effectivity of this Code shall not be affected by any of its provisions. However, matters of procedure and rights arising after the date of effectivity of this Code shall conform to the provisions hereof.
- (c) *Delegation of power and assignment of duty.* – Whenever a power is granted or a duty is assigned to any public health officer in this Code, the power may be exercised by a deputy or agent of the official pursuant to law, unless it is expressly provided otherwise in this Code.
- (d) *Language required.* – Any notice, report, statement or record required or authorized by this Code, shall be written in English or Pilipino.
- (e) *Mailing of notices.* – Unless otherwise expressly provided, any notice required to be sent to any person by any provision of this Code, shall be sent through the postal service. The affidavit of the official or employee who mailed the notice is *prima facie* evidence that the notice was sent as prescribed herein.

- (f) *Condemnation and seizure of property.* – When any property is officially condemned or seized by government authorities in the interest of public health, the owner thereof shall not be entitled to compensation.
- (g) *Command responsibility.* – When a duty is expressly vested in a health officer as provided in this Code, it shall be understood that it shall likewise be the concern of the superiors of the health office under the principle of command responsibility.

CHAPTER II

WATER SUPPLY

SECTION 9. *Prescribed Standards and Procedures.* – Standards for drinking water and their bacteriological and chemical examinations, together with the evaluation of results, shall conform to the criteria set by the National Drinking Water Standards. The treatment of water to render it safe for drinking, and the disinfection of contaminated water sources together with their distribution systems shall be in accordance with procedures prescribed by the Department.

SEC. 10. *Jurisdiction of the Department.* – The approval of the Secretary or that of his duly authorized representative is required in the following cases:

- (a) Sites of water sources before their construction;
- (b) Delivery of water to consumers from new or recently repaired water systems;
- (c) Operation of a water system after an order of closure was issued by the Department;
- (d) Plans and specifications of water systems of subdivisions and projects prior to the construction of housing units thereat; and
- (e) Certification of potability of drinking water.

SEC. 11. *Types of Water Examinations Required.* – The following examinations are required for drinking water:

- (a) *Initial examination.* – The physical, chemical and bacteriological examinations of water from newly constructed systems or sources are required before they are operated and opened for public use. Examination of water for possible radioactive contamination should also be done initially.
- (b) *Periodic examination.* – Water from existing sources is subject to bacteriological examination as often as possible but the interval shall not be longer than six months, while general systematic chemical examination shall be conducted every 12 months or oftener. Examination of water sources shall be conducted yearly for possible radioactive contamination.

SEC. 12. *Examining Laboratories and Submission of Water Samples.* – The examination of drinking water shall be performed only in private or government laboratories duly accredited by the Department. It is the responsibility of operators of water systems to submit to accredited laboratories water samples for examination in a manner and at such intervals prescribed by the Department.

SEC. 13. *Other Protective Measures.* – To protect drinking water from contamination, the following measures shall be observed:

- (a) Washing clothes or bathing within a radius of 25 meters from any well or other source of drinking water is prohibited.

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- (b) No artesian, deep or shallow well shall be constructed within 25 meters from any source of pollution.
- (c) No radioactive sources or materials shall be stored within a radius of 25 meters from any well or source of drinking water unless the radioactive source is adequately and safely enclosed by proper shielding.
- (d) No person charged with the management of a public water supply system shall permit any physical connection between its distribution system and that of any other water supply, unless the latter is regularly examined as to its quality by those incharge of the public supply to which the connection is made and found to be safe and potable.
- (e) The installation of booster pump to boost water direct from the water distribution line of a water supply system, where low-water pressure prevails is prohibited.

CHAPTER III

FOOD ESTABLISHMENT

SECTION 14. Sanitary Permit.

- (a) No person or entity shall operate a food establishment for public patronage without securing a permit from the local health office. The term “food establishment” as used in this chapter means an establishment where food or drinks are manufactured, processed, stored, sold or served.
- (b) Every Sanitary Permit shall be posted in a conspicuous place of the establishment.
- (c) *Fees.* – The fees payable on application for permits and upon the issuances, renewal and noting of such certificates shall be in such amounts as the City of Municipal Authority may by resolution impose.
- (d) *Noting of Permit.* – Within 14 days after any change in the ownership or occupancy of any establishment, the new occupant shall apply to the City or Municipal Health Officer to have such change noted in the records and on the permit certificate which he shall produce for the purpose and shall pay the corresponding fee in respect of such noting.
- (e) *Record of Permit Certificates*
 1. Every City or Municipality shall keep a record of all establishments in respect of which permits have been issued and of all permit certificates and renewals thereof.

The record shall in every case show the following:

 - i. The name and address of the holder of the permit who in every case shall be the actual occupier of the establishment;
 - ii. The location of the establishment;
 - iii. The purpose or purposes for which the permit has been issued;
 - iv. The date the first permit was issued and the dates of any renewal thereof;
 - v. Every change of occupation and management of the establishment since the first permit was issued; and
 - vi. Conditions under which the permit was issued or any renewal thereof granted.
 2. The record shall be available at all reasonable times for inspection by any officer of the Department of Health.

SEC. 15. Health Certificates. – No person shall be employed in any food establishment without a Health Certificate issued by the local health authority. This certificate shall be issued only after the required physical and medical examinations are performed and immunizations are administered at prescribed intervals.

SEC. 16. Quality and Protection of Food. – All food must be obtained from sources approved by the local health authority. In this regard, the following requirements are applicable:

- (a) Meats, meat products and fish shall be procured from sources under sanitary or veterinary supervision.
- (b) All meat and fish shall be properly cooked before serving.
- (c) No meat products, fish, vegetables and other food sources shall be procured from sources or areas known to have been affected by radioactivity as for example, areas contaminated with a very large amount of radioactive fallout.
- (d) Milk and fluid milk products shall be obtained from sources approved by the local health authority. Milk obtained from other sources must be sterilized, pasteurized or otherwise heated.
- (e) Milk shall be stored in a refrigerator. Canned or package milk, other than dry milk powders, shall be refrigerated after the container has been opened.
- (f) All perishable and potentially hazardous foods shall be stored at 45°F (7°C) or below.
Cooked food intended to be served hot shall be kept at a temperature not lower than 140°F (60°C).
Raw fruits and vegetables shall be thoroughly washed before they are used.

SEC. 17. Structural Requirements. – Food establishments shall be constructed in accordance with the following requirements:

- 1. No person shall use any room or place for or in connection with the preparation, storage, handling or sale of any article of food
 - (a) Which is at anytime used or in direct communication with a sleeping apartment or toilet;
 - (b) In which any animal is kept; or
 - (c) Which is or has been used for any purpose which would be likely to contaminate the food or to affect injuriously its wholesomeness or cleanliness; or
 - (d) Which is not used exclusively for the purpose; *Provided*, That in department stores or multi-purpose business establishments, food may be manufactured, prepared, cooked, stored, or sold only in the area set aside exclusively for said purpose and for which a sanitary permit has been issued.
- 2. No sanitary permit shall be issued for any premises to be used for the preparation, handling and sale of food unless it is constructed in accordance with the following requirements:
 - (a) *Floors.* – The Floors shall be:
 - i. Constructed of concrete or other impervious and easily cleaned material that is resistant to wear and corrosion and shall be adequately graded and drained; all angles between the floors and walls shall be rounded off to a height of not less than 3 inches (7.62 cm.) from the floor; or

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- ii. Constructed of wood with dovetailed or tongue and grooved floor boards laid on a firm foundation and tightly clamped together with all angles between the floor and walls rounded off to a height of 3 inches (7.62 cm.); or
- iii. Constructed in accordance with the requirements of sub-clause (i) and (ii) of this clause and covered with linoleum, smooth surfaced rubber or similar material fixed to the floor with cement or suitable adhesive: Provided, That with the approval in writing of the local authority, floors may be covered with carpets or other floor covering in those parts of the premises where such carpets or coverings can be satisfactorily cleaned and maintained.

(b) *Walls*

- i. The internal surface of walls shall have a smooth, even, non-absorbent surface capable of being readily cleaned without damage to the surface and constructed of dust-proof materials;
- ii. The walls, where subject to wetting or splashing, shall be constructed of impervious, non-absorbent materials to a height of not less than 79 inches (2 meters) from the floor;
- iii. The internal walls shall be painted in light colors or treated with such other wall finish as the health authority may prescribe.

(c) *Ceilings*

- i. All ceilings or, if no ceiling is provided, the entire under-surface of the roof shall be dust-proof and washable.
- ii. The ceiling or undersurface of the roof of rooms in which food is prepared or packed or in which utensils or hands are washed shall be smooth, non-absorbent and light.

(d) *Lighting*

- i. The general standards of illumination provided shall permit effective inspection and cleaning and shall be of sufficient intensity appropriate to the purpose for which any room or place is used;
- ii. In rooms where food is prepared or packed or in which utensils or hands are washed there shall be a minimum illumination intensity of 20-foot candles; in premises where food is consumed, there shall be a minimum illumination intensity of 5-foot candles. Intensities of illumination shall be measured at a point 30 inches (76.20 cm.) above the floor;
- iii. All lighting shall be reasonably free from glare and distributed so as to avoid shadows;
- iv. At other areas or working surfaces, the illumination shall be of such intensity as may be required by the health authority.

(e) *Ventilation*

- i. Ventilation shall be provided which shall be effective and suitable to maintain comfortable condition;
- ii. The ventilation shall be adequate to prevent the air from becoming excessively heated, prevent condensation and the formation of excess moisture on walls, ceilings and for the removal of objectionable odors, fumes and impurities;
- iii. In the absence of effective natural ventilation, mechanical ventilation with airflow from a clean area, and discharging in such a manner as not to create a nuisance, shall be provided;

- iv. Canopies, air ducts, fans or other appliances shall be provided as required by the health authority in particular circumstances;
- v. Effective provision shall be made for securing and maintaining a reasonable temperature;
- (f) *Overcrowding.* – There shall be sufficient floor space to enable every person working thereon to carry out his duties efficiently and to permit easy access for cleaning. Working spaces, aisles or passageways and areas to which customers have access shall be unobstructed and sufficient to permit movement of employees and customers without contamination of food by clothing or personal contact.
- (g) *Changerooms*
 - 1. There shall be provided adequate and suitable lockers or other facilities for the orderly storage of clothing and personal belongings of employees or persons engaged or employed in the premises. Such facilities shall be so situated and arranged so that there is no contamination of food by contact with clothing, and where the number of persons engaged or employed is four or more of either sex, there shall be provided separate changing rooms for each sex.
- (h) *Wash-hand Basins*
 - i. Wash-hand basins shall be installed in convenient places and as near as practicable to where the person for whose use they are provided are working while handling food for sale or in such locations as may be otherwise prescribed in any particular case.
 - ii. If required in writing by the local health authority an additional wash-hand basin shall be installed as near as practicable to the toilet facilities: *Provided*, That the wash-hand basins specified in this Code need not be installed in premises where only food in sealed containers is sold: and, *Provided, further*, That wash-hand basins specified in this regulation shall be installed under specifications of the National Plumbing Code of the Philippines.
- (i) *Wash-hand Basin Maintenance*
 - i. An adequate supply of soap, clean towels, roller towels presenting a clean surface to each user from a continuous roller towel dispenser or other hand drying services approved by health authorities.
 - ii. The wash-hand basin and all hand-washing facilities shall, at all times, be maintained in good repair and in a clean condition.
 - iii. All wash-hand basins shall, at all times, while the premises are being used, be supplied with hot and cold or tempered running water at a minimum temperature of 100°F (37.8°C).

SEC. 18. Use of Food-Service Spaces.

- (a) Food-service spaces shall not be used as living or sleeping quarters.
- (b) Clothing or personal effects shall be kept in lockers or in designated places away from food service spaces.
- (c) No animal or live fowls shall be allowed in such spaces.
- (d) Persons not directly connected with food preparation and serving shall not be allowed to stay in food-serving spaces.
- (e) Foods in storage or in preparation must not be handled by anyone other than the preparation and serving staff.

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SEC. 19. Food Handlers.

- (a) No person shall be employed in any food establishment without a health certificate issued by the local health authority.
- (b) Food handlers shall at all times:
 - i. Wear clean working garments. The Cook shall wear prescribed caps and female employees, caps or hairnets.
 - ii. Observe good personal hygiene.
 - iii. Wash their hands thoroughly with soap and water and dry them with a clean or disposable towel or a suitable hand-drying device immediately before working, or after visiting the toilet.

SEC. 20. Vermin Control.

Vermin. – A group of insects or small animals such as flies, mosquitoes, cockroaches, fleas, lice, bedbugs, mice, and rats which are vectors of diseases.

- (a) Spaces where food and drinks are stored, prepared and served shall be so constructed and maintained as to exclude vermin.
- (b) All opening which connects spaces to the outer air shall be effectively protected with screen of non-corrosive wire 16-mesh or finer. Door screens shall be tight-fitting.
- (c) A vermin abatement program shall be maintained in the establishments by their owners, operators, or administrators. If they fail, neglect or refuse to maintain a vermin abatement programs, the local health agency will undertake the work at their expense.
- (d) During deratting or disinfecting operations, all foodstuffs, utensils, food preparation and cleaning equipment shall be covered to protect them from toxic chemical substances.
- (e) Vermin control in public places shall be the responsibility of the provincial, city or municipal governments which have jurisdiction over them.
- (f) The procedure and frequency of vermin abatement program shall be determined and approved by the local health authority.

SEC. 21. Toilet and Washing Facilities.

- (a) Adequate and clean toilet facilities for male and female customers and personnel shall be provided in properly located areas.
- (b) Toilet rooms shall not open directly into spaces where food is prepared, stored or served. Where such toilets exist, the doors shall be tight fitting and self-closing.
- (c) Adequate hand-washing facilities shall be provided within or adjacent to toilet room.
- (d) Facilities shall include hot and cold running water, single-service paper or cloth towel dispenser or drying device and soap or detergent.

SEC. 22. Disposal of Refuse.

- (a) Refuse cans may be used in food preparation areas for immediate use only.
- (b) Storage refuse cans, filled and empty, shall be in a designated space separate from food-handling operations.
- (c) These cans shall be constructed and maintained as to be vermin-proof and easily cleaned.

- (d) Cans containing refuse shall be tightly covered at all times, except during actual use in food-handling areas.
- (e) Holding bins may likewise be used, provided they are constructed of impervious, readily-cleaned materials, and fitted with tight-fitting covers.
- (f) Where refuse cans are used, a space separated from the food-handling spaces and adjacent to the refuse-can storage space shall be provided for cleaning them. This space shall be equipped with scrubbing-brushes, cleansing agents, steam or hot water under pressure, and a hose fitted with adjustable nozzle.

SEC. 23. *Equipment and Utensils.*

- (a) They shall be so designed, fabricated and installed so that cleaning is easy and they do not pose health hazards.
- (b) Lead-soldered containers and cadmium-lined piping and fixtures shall not be used.
- (c) Surfaces that come into contact with food or drinks shall be constructed of materials that are impervious, corrosion-resistant, non-toxic, easily cleanable, durable and resistant to chipping.
- (d) Sliding doors on cabinets shall be easily cleanable and removable. Runners shall be allotted at the ends to permit removal of dust and debris. The bottom shelves of open-based fixtures shall be removable to facilitate inspection, cleaning and maintenance.

SEC. 24. *Washing of Utensils.*

- (a) They shall be scraped and pre-rinsed to remove food articles.
- (b) They shall be thoroughly cleansed in warm water at 120°F (49°C) with soap or detergent.
- (c) If running water is not used, the wash-water shall be changed frequently.

SEC. 25. *Bactericidal Treatment.* – Eating and drinking utensils and equipment, after thoroughly cleaned, shall be subjected to one of the following bactericidal treatments:

- (a) Immersion for at least half a minute in clean hot water at a temperature of at least 170°F (77°C);
- (b) Immersion for at least one minute in a lukewarm chlorine solution 50 ppm;
- (c) Exposure in a steam cabinet at a temperature of at least 170°F (77°C) for at least 15 minutes at a temperature of 200°F (90°C) for at least 5 minutes;
- (d) Exposure in an oven or hot-air cabinet at a temperature of at least 180°F (82°C) for at least 20 minutes; or
- (e) Any other method approved by the local health authority.

SEC. 26. *Handling of Washed Utensils.*

- (a) Washed utensils shall be allowed to drain dry in wire racks without use of drying cloths, or shall be stored in a self-draining position to permit ready air-drying.
- (b) The drying cloth on which to store dishes and utensils temporarily after bactericidal treatment should be clean and changed frequently.

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SEC. 27. Storage of Washed Utensils.

- (a) They shall be stored in a clean and dry place adequately protected against vermin and other sources of contamination.
- (b) Cups, bowls, and glasses, shall be inverted for storage.
- (c) When not stored in closed cupboards or lockers, utensils and containers shall be covered or inverted whenever practicable. Utensils shall not be stored on the bottom shelves of open cabinets below the working top level.
- (d) Racks, trays and shelves shall be made of materials that are impervious, corrosion-resistant, non-toxic, smooth, durable and resistant to chipping.
- (e) Drawers shall be made of the same materials and kept clean. Felt-line drawers are not acceptable, but the use of clean and removable towels for lining drawers is acceptable.

SEC. 28. Dry Storage of Non-Perishable Foods. – Non-perishable foods shall be stored in the following manner:

- (a) Designated spaces, lockers, cupboards, racks, shelves and containers shall be used for storage.
- (b) All spaces, lockers and cupboard shall be constructed of materials of the same quality as used for food-preparation and food-serving operations. Containers shall be made of metal fitted with tight covers.
- (c) The recommended temperature range for dry stores is 50-60°C (10-15°C) except where dry foods for immediate use are stored in the preparation and servicing spaces.

SEC. 29. Refrigerated Storage of Perishable Foods. – Perishable foods shall be stored in the following manner:

- (a) They shall be kept at or below 45°F (7°C) except during preparation or when held for immediate serving after preparation.
- (b) When such foods are to be stored for extended periods, a temperature of 40°F (4°C) is recommended.
- (c) Fruits and vegetables shall be stored in cool rooms.
- (d) Recommended temperatures for perishable food storage are:
 - 1. Frozen foods; not more than 10°F (2°C)
 - 2. Meat and fish: 32-38°F (0-3°C)
 - 3. Milk and milk products: 40-45°F (5-7°C)
 - 4. Fruits and vegetables: 44-50°F (7-10°C)
- (e) All refrigerating compartments and refrigerators must be kept clean, in good repair and free from odours. They shall be provided with thermometers with scale divisions not larger than 2°F (1°C). Sufficient shelving shall be provided to prevent stocking and to permit adequate ventilation and cleaning.

SEC. 30. Food Servicing Operations. – These operations should be in accordance with the following requirements:

- (a) Hand contacts with food or drink shall be avoided; fingers shall not be used to serve butter, ice, or similar items of food. Sugar shall be served in covered dispensers or containers, or in packages wrapped for single service.
- (b) The surfaces of containers and utensils, including glasses and tablewares, which come in contact with food and drink shall not be handled.
- (c) Disposable cups, plates, spoons and other single-service containers and utensils shall be purchased in sanitary cartons and stored in a clean, dry place until used. These articles shall be so handled on removal from the carton that the hand does not touch the surface which will be in contact with food or drink.
- (d) Clean cloths, napkins, spoons, towels, and other cloth equipment shall be stored in clean places designated specifically for them. Soiled linens, including towels, aprons, and coats, shall be stored in a closed bin or locker, suitably marked.
- (e) Spoons, spatulas, dippers and scoops used intermittently for dispensing frozen desserts shall be kept in running water or in water maintained at 170_F (77_C) and frequently changed, or they may be washed and stored in a dry place after each use. Constant-temperature bottles and other containers used for potable water and other beverages shall be kept clean and given effective bactericidal treatment before and after subsequent use.

SEC. 31. Evaluation of Food Establishment. – It shall be the duty of the Provincial, Municipal or City Health Officer to cause an inspection and evaluation of every food establishment requiring a permit for its operations, at least every six months and shall cause as many additional inspections and re-inspections and evaluation to be made as are necessary for the enforcement of the provision of this Chapter.

During the inspection or evaluation carried out at least every six months, the inspector shall record his findings on an inspection form provided for the purpose and shall furnish the original of such report to the holder of sanitary permit, the manager or occupier of the premises. Demerits entered in the appropriate column inspection forms shall indicate that the item does not, in the opinion of the inspector, comply with the requirements of this regulation. Within 48 hours of the inspection or evaluation, the original of the inspection report shall be furnished the holder of the permit certificate, the manager or occupier of the food establishment. Whenever an inspection form issued indicates non-compliance items relating to any particular type of premises, the inspector shall notify the holder of the sanitary permit, the manager or occupier of the correction to be made and indicate a reasonable period for its compliance. If upon re-inspection after the deadline the inspector finds the correction has not been effected he shall forthwith report to the Health Officer and the Health Officer shall revoke the sanitary permit. A copy of the inspection form and any notices served shall, in all cases, be filed and kept by the local health authority and be available at all reasonable time for inspection by an officer of the Department of Health.

- (a) *Service of Notice.* – Whenever an inspection or evaluation report form indicates non-complying items, the Health Officer of the Province, Municipality or City may cause to be served on the holder of the permit, the manager or occupier a notice requiring him, within the time stated in the notice, to take such remedial action as may be specified therein. In the event within the time stated in the notice, hereinafter called the first notice, the terms of the first notice are not complied with, the Health Officer may cause to be served on the holder of the permit, the manager or occupier a second notice calling on him to show cause, at a time and place stated in the notice, why the permit issued in respect of the food establishment should not be revoked.

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- (b) *Revocation of Permits.* – After prior notice and hearing as provided above, the Health Officer, if satisfied that the terms of the two notices have not been complied with or that the failure to comply therewith is not excusable, shall revoke the said permit.
- (c) *Summary Suspension of Permits.* – Whenever the Provincial, Municipal or City Health Officer finds unsanitary or unhealthy conditions in the operation of a food establishment which in his judgment constitute a substantial hazard to the public health, the Health Officer may order the immediate suspension of the permit. Any person to whom such an order is issued written petition shall be afforded a hearing as soon as possible.
- (d) *Appeals.* – The person or panel conducting the hearing may confirm, modify or reverse the decision appealed from, which decision shall be final.
- (e) *Protection of Food.* – Notwithstanding the other provisions of this regulation relating to the issuance of permits, every person who is engaged in the sale of food or in the manufacture, preparation, storage, packing or delivery of food for sale protect such food from contamination.
- (f) *Power of Entry.* – Any Sanitary Inspector or duly authorized officer of the Department of Health or of the Provincial, Municipal or City Health Officer, upon presentation of proper credentials may at all reasonable times enter any premises engaged in the manufacture, preparation or packing of any article of food for sale or any premises used for any of the purposes referred to in this Code for the purpose of inspection or any other action necessary for administration of this Code.

SEC. 32. Special Provisions.

(a) *Groceries or "Sari-Sari" Stores*

1. No grocery or sari-sari store shall be established within a distance of 25 meters from any source of contamination.
2. All foods which require no further cooking before they are eaten shall be protected from contamination while in countries or showcases.

(b) *Bakeries*

1. Delivery trucks and carts of bakery products shall always be kept clean and sanitary.

(c) *Dairies*

1. No dairy shall keep unhealthy or infected cows, carabaos or goats for the production of milk, or feed them unwholesome food which produces impure or unwholesome milk.
2. No animals used for the production of milk shall be allowed to graze on land which has been contaminated by radioactivity.
3. No dairy shall sell unwholesome milk that has not been previously pasteurized or otherwise sterilized.

(d) *Ice Plants*

1. Only potable water shall be used in the manufacture of ice.
2. In storing and transporting ice intended for public consumption, precautionary measures shall be taken to protect the ice from sources of contamination.

(e) *Ambulant Food Vendors*

1. These vendors shall sell only bottled food drinks, biscuits and confectionaries.

2. It is prohibited for food vendors to sell food that requires the use of utensils.

(f) *Oyster Beds*

1. Oysters shall be planted and grown only in areas approved by the Secretary or his duly authorized representatives and in places duly licensed by the Bureau of Fisheries and Aquatic Resources.
2. Oysters offered for sale, if not originating from approved areas, shall be confiscated and destroyed by the local health authority.

(g) *Fish Marketing Areas*

1. Only fresh and wholesome fish products shall be sold.
2. Fish caught in radioactive zones as well as in areas contaminated by toxic substances or high in mercury count as determined by the health authorities shall be condemned and not be allowed for public consumption.
3. The selling, distribution and buying of fish caught through the use of explosives and chemicals are prohibited.

SEC. 33. Responsibility of the Local Health Authority. – The local health authority shall:

- (a) Make periodic inspections to enforce the maintenance of adequate sanitation in food establishments and their premises;
- (b) Take samples of food and drink from any establishments or vendor as often as necessary to determine if there are unwholesome, adulterated, or contaminated by radioactivity;
- (c) Prevent the sale or condemn and destroy food and drinks if these are found unfit for human consumption;
- (d) Seal and prohibit the use of devices, utensils, containers, vehicles, machines, piping and appurtenances if in his opinion they are unsanitary; and
- (e) Enforce the provisions of this Chapter and the rules and regulations promulgated by the Secretary.

CHAPTER IV

MARKETS AND ABATTOIRS

SECTION 34. Prescribed Standards of Construction. – The construction of markets and abattoirs shall conform to standards prescribed by the Department. These standards shall be set along the following guidelines:

1. Suitability of site insofar as elimination of nuisance condition and prevention of contamination are concerned;
2. Availability of ample water supply for cleaning;
3. Accessibility of adequate drainage facilities;
4. Durability of construction to protect vendors and customers from any hazard and exposure to the elements; and
5. Facilities for sanitation maintenance, such as cleaning and elimination of harborages of vermin.

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SEC. 35. *Responsibility of the Local Health Authority.*

(a) *On Markets*

1. Make periodic inspections to ascertain the maintenance of adequate sanitary conditions of markets and their premises;
2. Supervise and control the proper care and use of market stalls;
3. Prohibit the construction of living quarters within any market and its premises;
4. Enforce the ban on construction of partitions, sheds or booths within the market area.

(b) *On Abattoirs*

1. Supervise the maintenance of adequate sanitation in abattoirs and their premises;
2. Enforce the requirements on the examination of meat as provided in existing laws;
3. Permit the slaughter of animals for public consumption in other designated areas in certain exigencies, provided public health is adequately protected;
4. Supervise the sanitary disposal of all abattoir wastes; and
5. Ensure that only healthy animals shall be slaughtered, and that the method of slaughtering, the techniques of dressing and the storing, handling and transporting procedures are in accordance with prescribed standards.

SEC. 36. *Responsibility of Local Governments and Private Operators.* – Local governments and private operators in charge of public or private markets and abattoirs shall employ an adequate number of personnel to ensure their efficient operation and hygienic maintenance. These employees shall be under the direct supervision of the local health authority.

CHAPTER V

PUBLIC LAUNDRY

SECTION 37. *Sanitary Permit.* – No public laundry shall operate without a sanitary permit from the Secretary or his duly authorized representative. As used in this Chapter, a public laundry is a laundry established and operated for commercial purposes, open to the public, and not to an exclusive clientele.

SEC. 38. *General Requirements.* – The construction and operation of a public laundry shall be governed by the following requirements:

(a) *Structural Requirements*

1. The site should be distant from sources of nuisance.
2. Only durable construction materials shall be used.
3. Smooth and water-tight materials shall be used for flooring.
4. All work rooms shall be properly ventilated and provided with 10- foot candles for lighting.
5. Adequate drying facilities shall be provided and articles for drying protected from sources of contamination.

(b) *Sanitary Requirements*

1. Laundry supplies in both liquid and solid state shall be properly stored, prepared and handled. Containers of chemical shall be properly labeled.
2. Employees shall be provided with potable drinking water, toilets, bathing and washing facilities.
3. Employees shall be provided with lockers for their working garments and street clothes.
4. The plant and its premises and equipment shall be maintained clean and sanitary at all times.

Sec. 39. *Special Requirements.* – The following requirements shall be enforced:

- (a) All articles to be laundered coming from hospitals and infected sources shall be treated by exposure to a sufficient quantity of hot water detergents or by other effective means of disinfection.
- (b) All linen, bed clothes, pajamas, towels, bedsheets, pillow cases, etc. that have come in contact with any form of radioactivity should be isolated in a certain area and monitored by Radiation Safety personnel before sending these articles for laundry. If any amount of radioactive contamination is found, the affected article should be set aside and the radioactivity allowed to completely decay before said article is sent for laundry.
- (c) All articles for delivery to the laundry shall be kept in containers which shall be kept closed until the articles are removed at the laundry.
- (d) Laundry vehicles shall be kept clean and sanitary at all times.
- (e) A separate room shall be used solely for receiving, sorting, marking or handling unwashed articles.
- (f) Diapers must be protected from pathogenic organisms and from chemical substances which are irritating to the skin of the infant. Laundered diapers for delivery shall be packed in sealed sanitary containers.

CHAPTER VI

SCHOOL SANITATION AND HEALTH SERVICES

SECTION 40. *Definition of Terms.* – As used in this Chapter, the following terms shall mean:

- (a) *School.* – An institution of learning which may be public, private, or parochial.
- (b) *Special School.* – A school which utilizes cadavers, plants, animals, bacterial and viral cultures for studies and research.
- (c) *Physical Environments.* – The school plant, grounds and facilities.
- (d) *Emotional Environment.* – Factors which affect the emotional health of students and members of the faculty.

Sec. 41. *The Physical Environment.* – In the design and construction of the school plant, the following factors shall be considered:

- (a) *Site.* – Traffic hazards are to be avoided but not to the point of sacrificing accessibility to public transportation. It shall be distant from sources of nuisances.
- (b) *Grounds.* – The acreage shall be large enough to permit playgrounds, athletic fields and school gardens.

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- (c) *Building.* – Preferably it shall be constructed of strong and durable materials and designed along functional lines. For the prevention of fire hazards, the requirements of the local fire department shall be observed. Sufficient ventilation shall be provided. Wall and ceiling finishes should be chosen so as to give optimum lighting with minimum glare. Artificial lighting with louvered fluorescent or incandescent fixture shall be used to supply a minimum lighting of 25-foot candles in the darkest corner. For flooring, suitable materials shall be used which will give maximum durability without creating a slippery surface.
- (d) *Sanitary Facilities.* – The school population shall be provided with potable water, sewage and waste disposal systems shall likewise conform to the requirements prescribed in this Code.

SEC. 42. *The Emotional Environment.* – For the promotion of emotional health of the school population the following requirements shall be observed:

- (a) *Suitable Location.* – The school site shall be located away from disturbances and places which give undesirable influence.
- (b) *Recreational Facilities.* – The school must have safe and attractive playgrounds and adequate facilities for suitable sports and games.
- (c) *Rest Rooms.* – Facilities shall be provided where faculty members can rest and get short respite from teaching chores.

SEC. 43. *Health Services.* – Trained personnel and adequate facilities should be available so that students may be afforded the following health services:

- (a) Periodic physical and medical examination;
- (b) Periodic immunization;
- (c) Medical and dental treatment;
- (d) Treatment for common emergencies; and
- (e) Counselling and guidance.

SEC. 44. *Requirements for Special Schools.*

- (a) Cadavers shall be stored in morgues and dissected in dissecting rooms, all of which shall be constructed and maintained in accordance with standards prescribed by the Department.
- (b) Poisonous or harmful plants and animals shall be kept in adequate and a secured areas.
- (c) Viral and bacterial cultures shall be kept in laboratories under standard security laboratory measures.
- (d) Schools utilizing radioactive materials or sources for study or research should closely conform to the requirements and guidelines given by the Radiation Health Office and the Philippine Atomic Energy Commission concerning radiation protection.

CHAPTER VII

INDUSTRIAL HYGIENE

SECTION 45. *Sanitary Requirements for Operating an Industrial Establishment.* – The following sanitary requirements shall be applicable to industrial establishments:

- (a) No person, firm, corporation, or entity shall operate any industrial establishment without first obtaining a sanitary permit from the Secretary or his duly authorized representatives.
- (b) Industrial establishments shall be allowed to operate only in places or zones assigned for the kind of industry by existing zoning laws, ordinances, or policies. The local health authority shall determine the suitability of location where no zoning law, ordinance or policy exists.
- (c) Adequate potable water supply shall be provided to employees.
- (d) Sewage disposal shall be by means of a municipal or city sewerage system whenever possible. If no municipal or city sewerage system exists it shall be done in accordance with the provisions of this Code. Adequate and conveniently located toilet and bath facilities shall be provided for each sex.
- (e) All wastes incidental to the operation of the industrial plant shall be collected, stored, or disposed of in a manner to prevent health hazards, nuisances, and pollution. Where a city or municipal collection and disposal system exists, it should be utilized.
- (f) An abatement program for the control of vermin shall be maintained.
- (g) Adequate restrooms and mass halls shall be provided for employees.
- (h) All places of employment and all workrooms, including machinery and equipment, shall be kept clean and sanitary.

Sec. 46. Responsibility of the Secretary. – The Secretary shall:

- (a) Issue a list of maximum concentration of atmospheric contaminants as a guide in appraising health hazards and in evaluating control measures. The term maximum concentration as used in this Chapter means “the amount of atmospheric contaminant which can be tolerated by man for continuous daily exposure with no impairment of health or well-being either immediate or after a long period of exposure.”
- (b) Review the concentration values at regular intervals to amend or alter the list where indicated.
- (c) Specify other concentrations of short intermittent duration capable of causing acute impairment of health.
- (d) Require control of other contaminants known or believed to be capable of causing impairment of health but not included in the list already issued by the Department.
- (e) Prescribe control measures to eliminate transmission of infectious disease through processing or handling of industrial products or wastes.
- (f) Prescribe illumination standard values and order their review at regular intervals to alter or amend values when indicated.
- (g) Promulgate measures to effectively and adequately control any possible radioactivity to which workers may be exposed while on their job.
- (h) Promulgate control measures to reduce noise and pollution.

Sec. 47. Responsibilities of the Employer and Employees. – The following are the responsibilities of the employer and employees in industrial establishments:

(a) *Employer responsibility*

1. Provide, install and maintain in good repair all control measures and protective equipment;

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2. Inform affected employees regarding the nature of the hazards and the reasons for, and methods of control measures and protective equipment;
3. Make periodical testing of the hearing of all employees in noisy areas of operation;
4. Adopt measures so that the noise produced is within allowable limits so as not to affect neighboring offices, buildings or establishments;
5. Request the Department a permit for variation from the requirements when other means of equivalent protection are provided; and
6. Provide personal protective equipment and/or protective barriers when they are necessary.

(b) *Employee responsibility*

1. Observe strictly protective control measures which are prescribed; and
2. Use equipment provided them properly.

Sec. 48. Environmental Provisions. – The environmental provisions enumerated hereunder for the protection of the health of workers are applicable to all industrial establishments:

(a) *Control of atmospheric contaminants*

1. Workers shall not be exposed to atmospheric contaminants hazardous to health.
2. Control of atmospheric contaminants shall be accomplished by methods approved by the Secretary or his duly authorized representatives or other government authority.

(b) *Control of infectious agents*

1. Control measures shall be provided to eliminate or control the transmission of infectious diseases through processing or handling of industrial products or wastes.

(c) *Control of possible sources of radiation hazards* should be carried out under the supervision of the Radiation Health Officer or his authorized representative.

(d) *Noise.* – Control measures shall be provided to reduce intensity of noise sufficiently to render it harmless to workers and to eliminate it at its source as a nuisance by following the recommendations of the local health or other government authority.

(e) *Illumination*

1. Adequate lighting shall be provided and distributed in all work areas in amount required for the type of work or seeing tasks measured by a light-meter with a minimum of glare and contrasting intensities between work and workroom.
2. Where the specific task requires more light than provided by general illumination, supplementary lighting shall be supplied.

(f) *Ventilation*

1. Natural or artificial ventilation shall be provided in all work areas at a rate to insure a safe and healthful working atmosphere, free from injurious amounts of toxic materials and reasonably free from offensive odours and dust throughout the establishment.
2. Proper control measures shall be used to reduce concentration of toxic contaminants to allowable limits.

3. Air inlets shall be arranged, located and equipped to insure sufficient air velocity and an exhaust system which shall be located so that discharged materials shall not re-enter places of employment or habitations nor create any hazard of nuisance.

SEC. 49. *Personal Protective Equipment.* – The following requirements shall be applicable for personal protective equipment.

- (a) Personal protective equipment and/or protective barriers shall be provided whenever substances, radiations or mechanical irritants are encountered in a manner capable of causing any pathological change or injury or impairment in functions of any part of the body through skin and/or mucous membrane absorption.
- (b) Personal protection equipment which shall include respiratory protectors and other accessories shall be fitted to each exposed worker when necessary.
- (c) X-ray film badges or pocket decimeters should be worn by workers who, during their course of work are unavoidably exposed to even a small amount of radiation.
- (d) Supervisors and employees shall familiarize themselves with the use, proper sanitary care and storage of this equipment.

SEC. 50. *Health Services.* – Medical services shall be provided to all employees in accordance with existing laws and the rules and regulations prescribed by the Department.

CHAPTER VIII

PUBLIC SWIMMING OR BATHING PLACES

SECTION 51. *Sanitary Permit.* – No public swimming and bathing places shall be operated for public use without a sanitary permit issued by the Secretary or his duly authorized representative.

SEC. 52. *Protection of Customers.* – To protect the health and safety of persons who use them, the Department shall promulgate:

- (a) Rules and regulations concerning:
 1. Correct sanitary practices for persons swimming or bathing to prevent the transmission of communicable diseases;
 2. Correct sanitary procedures for personnel working in those places to maintain their adequate sanitation and cleanliness of accessories used by customers;
 3. Adequate number of trained personnel and necessary equipment needed for life-saving and rescue work;
 4. Post conspicuous signs to warn the public of the presence of artificial or natural hazards; and
- (b) Standards and criteria concerning:
 1. Sanitary structural requisites for swimming pools and bath houses to prevent pollution of their waters and to facilitate sanitation maintenance;
 2. Sanitary structural standards for appurtenances, such as toilets, shower baths and dressing rooms to eliminate the risk of infection;
 3. Methods of determining the sanitary quality of water, particularly that which is used in swimming pools; and

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4. Criteria to be used in the limitation of swimming or bathing loads of swimming pools in accordance with the type of water treatment applied.

SEC. 53. Responsibility of the Local Health Authority. – The local health authority concerned shall:

1. Inspect the state of sanitation of public swimming or bathing places;
2. Ascertain if their personnel are examined regularly for the presence of any infections or contagious disease;
3. Enforce rules and regulations of the Department under this Chapter; and
4. Recommend to the Department the revocation of their permits when it is deemed necessary for the protection of public health.

CHAPTER IX

REST AREAS, BUS TERMINALS, BUS STOPS, AND SERVICE STATIONS

SECTION 54. Rest areas, bus terminals, bus stops and service station areas with one or more permanent sheds, buildings and service facilities for motor vehicles shall be provided with sanitary facilities for the convenience and personal necessities of the travelling public.

- (a) Rest areas, bus terminals, bus stops and service stations shall be established with ample area to prevent overcrowding of motor vehicles and travellers.
- (b) They shall be provided with adequate ventilation and lighting and away from sources of nuisance.
- (c) Safe and adequate water supply shall be provided in accordance with the provisions of Chapter II of this Code.
- (d) Excreta and sewage collection and disposal shall be provided in accordance with the provisions of Chapter XVII of this Code.
- (e) Refuse collection and disposal shall be in accordance with the provisions of Chapter XVIII of this Code.
- (f) Adequate number of comfort rooms shall be provided as well as auxiliary facilities therein in accordance with the provisions on Chapter XVII of this Code.
- (g) Waiting sheds for commuters shall be of adequate size to comfortably accommodate a minimum of 30 persons. Floors shall be of smooth concrete finish and adequate sitting facilities provided for.
- (h) Sale of foodstuffs in those establishments shall be done in conformity with the provisions of Chapter III of this Code.

CHAPTER X

CAMPS AND PICNIC GROUNDS

SECTION 55. No camps and picnic grounds shall be open for public patronage without a sanitary permit issued by Secretary or his duly authorized representative.

- (a) Camps and picnic ground sites shall not be subject to flooding, must be well drained, distant from any source of nuisance and will not endanger sources of any public water supply.
- (b) Camp and picnic houses shall be provided with adequate lighting and ventilation. Where tents are used flooring shall be at least 4 inches above the ground.

- (c) Adequate and safe drinking water shall be available at all times in accordance with the provisions of Chapter II of this Code.
- (d) Adequate number of sanitary facilities shall be provided.
- (e) Sewage disposal shall be in accordance with the provisions on Chapter XVII of this Code.
- (f) The storage, preparation and serving of food shall be in accordance with Chapter III of this Code.
- (g) Refuse cans shall be provided at strategic points in the ground area provided with tight fitting cover. A regular collection service shall be maintained. Refuse disposal shall be in accordance with the provisions of Chapter XVIII of this Code.
- (h) Camps and picnic grounds shall at all times be maintained clean, free from litter and accumulated rubbish.
- (i) A program on Vermin Control shall be made in accordance with Chapter XVI of this Code.

CHAPTER XI

DANCING SCHOOLS, DANCE HALLS AND NIGHT CLUBS

SECTION 56. General Provisions. – The following provisions are applicable to dancing schools, dance halls and night clubs:

- (a) These establishments shall be operated and opened for public patronage only when a sanitary permit is issued by the local health authority.
- (b) These establishments and their premises shall be kept clean and sanitary at all times.
- (c) Patrons shall be provided with adequate potable water and toilet facilities in accordance with standards prescribed by this Code.
- (d) There shall be no private rooms or separate compartments for public use except those used for lavatories, dressing rooms, bars and kitchens.

Sec. 57. Special Provisions. – The following provisions are applicable in cases herein specified:

(a) *For dancing schools*

No person shall be employed as a dancing instructor or instructress without first securing a health certificate from the local authority.

(b) *For dance halls and night clubs*

1. No person shall employed as hostess or cook or bartender or waiter without first securing a health certificate from the local health authority.
2. The storage, preparation and serving of food and drinks shall be in accordance with the provisions prescribed in Chapter III of this Code.

CHAPTER XII

TONSORIAL AND BEAUTY ESTABLISHMENTS

SECTION 58. Definition of Terms. – As used in this Chapter, the term “Tonsorial and Beauty Establishments” includes barber shops, beauty parlors, hairdressing and manicuring establishments and figure-slendering salons.

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- (a) *Requirements.* – These establishments are subject to the following requirements:
1. A sanitary permit shall be procured from the local health authority before their operation.
 2. They shall be maintained clean and sanitary at all times.
 3. No person shall be employed to service customers without a health certificate issued by the local health authority.
- (b) *Correct Sanitary Practices.* – The following sanitary practices shall be observed.
1. Working personnel shall wash their hands with soap and water before servicing customers.
 2. They shall wear clean working garments.
 3. They shall not smoke nor eat while working.
 4. Implements of their trade shall be cleaned and disinfected before and after their use.
 5. Customers shall be supplied with clean and fresh towels, drapes and other linen necessary.
 6. Precautionary measures to prevent disease transmission shall be observed when serving customers showing any form of dermatoses.

CHAPTER XIII

MESSAGE CLINICS AND SAUNA BATH ESTABLISHMENTS

SECTION 59. *Definition of Terms.* – As used in this Chapter the following shall mean:

- (a) *Massage.* – A method wherein the superficial soft parts of the body are rubbed or stroked or kneaded for remedial or aesthetic or hygienic purposes.
- (b) *Massage Clinic.* – An establishment where massage is administered to customers.
- (c) *Masseur.* – A trained person duly licensed by the Secretary or his authorized representative to perform massage and to supervise massage clinic attendants.
- (d) *Massage Clinic Attendant.* – A trained person duly permitted by the Secretary or his authorized representative to massage customers under the guidance and supervision of a masseur.
- (e) *Sauna Bath Establishment.* – An establishment where customers are exposed to steam which is generated by sprinkling water on hot stones or by some other means.
- (f) *Sauna Bath Attendant.* – A person who applies the proper technique of giving steam bath to customers.

SEC. 60. *Sanitary Permit.* – No person or entity shall operate a massage clinic and/or a sauna bath establishment without first securing a sanitary permit from the local health authority.

SEC. 61. *Sanitary Requirements.* – The following requirements shall be enforced:

- (a) *Massage Clinic*
1. The reception and office rooms shall be properly lighted and ventilated.
 2. Every massage room shall be adequately ventilated, provided with a sliding curtain at the entrance and equipped with a suitable and clean massage table.
 3. Sanitary and adequate handwashing, bath and toilet facilities shall be available.

4. Customers shall be provided with soap, clean towels, sanitized rubber or plastic slippers. They shall be required to take a thorough bath before massage.
5. Masseur and masseur attendant shall wash their hands with soap and water before and after massaging a customer.
6. The establishment and its premises shall be maintained clean and sanitary at all times.

(b) *Sauna Bath Establishment*

1. The reception and office rooms shall be properly lighted and adequately ventilated.
2. The sauna bath room shall be properly lighted, provided with thermometers, and maintained clean and sanitary at all times.
3. Sanitary and adequate handwashing, bath and toilet facilities shall be available.
4. Customers shall be provided with soap, clean towels and sanitized rubber or plastic slippers.

Sec. 62. Personnel. – The following requirements shall be enforced:

(a) *Masseur*

1. The person must have a certificate as a registered masseur, issued by the Committee on Examiners for Masseur of the Department.
2. He must possess an up-to-date health certificate issued by the local health authority.
3. The person shall wear a clean working garment when attending to customers or when supervising massage clinic attendants.

(b) *Massage Clinic Attendant*

1. The person shall be properly registered and authorized by the local health authority to work as massage clinic attendant after compliance with the following requirements:
 - a) The Satisfactory completion of a training course or study given by a government office, school or hospital, which is duly authorized and recognized by the Department; and
 - b) Up-to-date health certificate issued by the local health authority to include VD clearance secured from any government clinic or hospital.
2. The person must clean working garments when attending to customers.

(c) *Sauna Bath Attendant*

1. Attendant must possess an up-to-date health certificate issued by the local health authority.
2. The person must wear clean working garments when attending to customers.

CHAPTER XIV

HOTELS, MOTELS AND APARTMENTS, LODGING, BOARDING, OR TENEMENT HOUSES, AND CONDOMINIUMS

SECTION 63. Definition of Terms . – As used in this Chapter, the following terms shall mean:

- (a) *Hotel.* – A building where transient guests are received and are supplied with and charged for meals, lodging and other services.
- (b) *Motel.* – A roadside hotel for motorists, usually consisting of private cabins.

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- (c) *Boarding House.* – A building where selected persons for fixed periods of time are supplied with, and charged for sleeping accommodations and meals.
- (d) *Lodging House.* – A building where persons are supplied with and charged for sleeping accommodations only.
- (e) *Tenement House.* – A building or portion thereof which is leased or sold to an occupied as residence by four or more families doing their cooking within the premises but living independently of one another although having a common right in the use of halls, stairways, terraces, verandas, toilets, and baths.
- (f) *Apartment House.* – A building containing a number of separate residential suites.
- (g) *Condominium.* – A building with one or more storeys composed of multi-unit residential suites under joint ownership of occupants, each unit provided with complete sanitary facilities, utilities and other amenities.
- (h) *Establishments.* – A collective term construed to include items (a) to (g).

SEC. 64. General Provisions. – The following are required for the establishments defined in the preceding Section:

- (a) No establishment shall be operated and opened for public patronage without a sanitary permit issued by the Secretary or his duly authorized representative.
- (b) Any extension or additional construction in an establishment shall require a sanitary permit before it could be operated.
- (c) All establishments shall provide their patrons with adequate water supply, toilet and bath facilities in accordance with standards prescribed in this Code.
- (d) Establishments and their premises shall be kept clean and sanitary at all times.
- (e) Periodic insect and vermin control measures shall be undertaken to eradicate vectors of diseases.
- (f) Animals, fowls and pets shall be housed in appropriate kennels or cages separate from living quarters.
- (g) No person shall be employed in establishments without first procuring a health certificate from the local health authority.

SEC. 65. Special Provisions. – The following provisions are applicable.

(a) *Hotels and Motels*

1. The storage, preparation and serving of food to customers shall be in accordance with the standards prescribed in Chapter III of this Code.
2. Customers shall be provided with clean linen such as bedsheets, pillow cases, towels and napkins.
3. When rooms or cabins are vacated, their toilets or baths shall be sanitized and clean and fresh linen shall be provided before the room or cabin is rented for occupancy.

(b) *Condominiums.* – The following conditions are applicable:

1. The choice for sites should consider availability of bus and taxi transportation services.
2. Nearness to place of work, schools, police stations and clinics.
3. Availability of low-cost goods.

4. Parking facilities and playgrounds for children.
5. Facilities for refuse disposal and cleanliness of buildings, and
6. Efficiency of lifts.

CHAPTER XV

PORT, AIRPORT, VESSEL AND AIRCRAFT SANITATION

SECTION 66. *Port and Airport Sanitation.* – In ports and airports, the following sanitary requirements shall be applied:

- (a) Every port and airport shall be provided with potable drinking water and wholesome food supplied from sources approved by the Secretary or his duly authorized representative.
- (b) The drinking water and food shall be stored and handled in a manner to ensure their protection against contamination. The local health authority shall conduct periodic inspections of equipment, installations and premises, and collect regularly samples of water and food for laboratory examination to determine if they are fit for human consumption.
- (c) There shall be available to as many ports and airports as practicable organized medical and health services with adequate staff, equipment and facilities for the prompt isolation and care of infected persons, disinfection, disinsecting, deratting, laboratory examination, collection and examination of rodents for plague infection, collection of water and food samples for examination.
- (d) The local health authority for each port and airport shall take all practicable measures to keep port and airport installation free of rodents.
- (e) In ports and airports of entry, facilities shall be provided for immunizations required in international travel.
- (f) Every port of entry and the area within the perimeter of an airport of entry shall be kept free from mosquito vectors of yellow fever, malaria and other diseases of epidemiological significance.

SEC. 67. *Vessel Sanitation.* – For the purpose of this Section, the provisions of Article II of the Quarantine Regulations promulgated under Section 5 of Republic Act No. 123 shall be applied and enforced.

SEC. 68. *Aircraft Sanitation.* – For the purpose of this Section, the requirements in the Guide to Hygiene and Sanitation in Aviation of the World Health Organization are adopted as part of this Code.

CHAPTER XVI

VERMIN CONTROL

SECTION 69. *Definition of Terms.* – As used in this Chapter, the following terms shall mean:

- (a) *Place.* – Land, building, residence, pier, watercraft, aircraft or any means of conveyance.
- (b) *Vermin.* – A group of insects or small animals such as flies, mosquitoes, cockroaches, fleas, lice, budbugs, mice and rats which are vectors of diseases.

SEC. 70. *General Requirements.*

- (a) A vermin abatement program shall be maintained in places by their owners, operators or administrators. If they fail, neglect or refuse to maintain a vermin abatement program, the local health agency will undertake the work at their expense.

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- (b) Vermin control in public places shall be the responsibility of the provincial, city or municipal governments which have jurisdiction over them.
- (c) The procedure and frequency of vermin abatement program shall be determined and approved by the local health authority.

CHAPTER XVII

SEWAGE COLLECTION AND DISPOSAL, EXCRETA DISPOSAL AND DRAINAGE

SECTION 71. Definition of Terms. – As used in this Chapter, the following terms shall mean:

- (a) *Public sewerage system.* – A system serving 25 persons or more.
- (b) *Septic tank.* – A water tight receptacle which receives the discharge of a plumbing system or part thereof, and is designed to accomplish the partial removal and digestion of the suspended solid matter in the sewage through a period of detention. Its construction shall be in accordance with specifications prescribed in this Chapter.
- (c) *House sewer.* – The pipe line conveying sewage from the house or building to the septic tank or to any point of discharge.
- (d) *Septic tank absorption bed or drain field.* – An underground system of pipes leading from the outlet of the septic tank, consisting of open-jointed or perforated pipes so distributed that the effluent from a septic tank is oxidized and absorbed by the soil.
- (e) *Effective capacity of a septic tank.* – The actual liquid capacity of a septic tank as contained below the liquid level line of the tank.
- (f) *Effective depth of a septic tank.* – The actual liquid depth of a septic tank as measured from the inside bottom of the septic tank to the liquid level line.
- (g) *Freeboard or air space of a septic tank.* – The distance as measured from the liquid level line to the inside top of the septic tank.
- (h) *Distribution box.* – A small concrete receptacle between the septic tank and the drain field from which lines of drain tile extends and which acts as surge tank to distribute the flow of sewage equally to each line of drain tile.
- (i) *Approved excreta disposal facilities* shall mean any of the following:
 1. Flush toilets properly connected to a community sewer;
 2. Flush toilets connected to a septic tank constructed in accordance with this Chapter;
 3. Any approved type pit privy built in accordance with this Chapter; and
 4. Any disposal device approved by the Secretary or his duly authorized representative.
- (j) *Privy.* – A structure which is not connected to a sewerage system and is used for the reception, disposition and storage of feces or other excreta from the human body.
- (k) *Septic privy.* – A privy where the fecal matter is placed in a septic tank containing water and connected to a drain field but which is not served by a water supply under pressure.
- (l) *Box and can privy.* – A privy where fecal matter is deposited in a can bucket which is removed for emptying and cleaning.

- (m) *Concrete vault privy.* – A pity privy with the pit line with concrete in such manner as to make it water tight.
- (n) *Chemical privy.* – A privy where fecal matter is deposited into a tank containing a caustic chemical solution to prevent septic action while the organic matter is decomposed.

SEC. 72. *Scope of Supervision of the Department* . – The approval of the Secretary or his duly authorized representative is required in the following matters:

- (a) Construction of any approved type of toilet for every house including community toilet which may be allowed for a group of small houses of light materials or temporary in nature;
- (b) Plans of individual sewage disposal system and the sub-surface absorption system, or other treatment device;
- (c) Location of any toilet or sewage disposal system in relation to a source of water supply;
- (d) Plans, design data and specifications of a new or existing sewerage system or sewage treatment plant;
- (e) The discharge of untreated effluent of septic tanks and/or sewage treatment plants to bodies of water;
- (f) Manufacture of septic tanks; and
- (g) Method of disposal of sludge from septic tanks or other treatment plants.

SEC. 73. *Operation of Sewage Treatment Works*. – Private or public sewerage systems shall:

- (a) Provide laboratory facilities for control tests' and other examinations needed;
- (b) Forward to the local health authority operating data, control tests and such other records and information as may be required;
- (c) Inform the local health authority in case of break-down or improper functioning of the sewage treatment works; and
- (d) Provide for the treatment of all sewage entering the treatment plant.

SEC. 74. *Requirements in the Operation of Sewerage Works and Sewage Treatment Plants*. – The following are required for sewerage works and sewage treatment plants.

- (a) All houses covered by the system shall be connected to the sewer in areas where a sewerage system is available.
- (b) Outfalls discharging effluent from a treatment plant shall be carried to the channel of the stream or to deep water where the outlet is discharged.
- (c) Storm water shall be discharged to a storm sewer, sanitary sewage shall be discharged to a sewerage system carrying sanitary sewage only; but this should not prevent the installation of a combined system.
- (d) Properly designed grease traps shall be provided for sewers from restaurants or other establishments where the sewage carries a large amount of grease.

SEC. 75. *Septic tanks*. – Where a public sewerage system is not available, sewer outfalls from residences, schools, and other buildings shall be discharged into a septic tank to be constructed in accordance with the following minimum requirements:

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- (a) It shall be generally rectangular in shape. When a number of compartments are used, the first compartment shall have the capacity from one-half to two-thirds of the total volume of the tank.
- (b) It shall be built of concrete, whether pre-cast or poured in place. Brick, concrete blocks or adobe may be used.
- (c) It shall not be constructed under any building and within 25 meters from any source of water supply.

SEC. 76. Disposal of Septic Tank Effluent. – The effluent from septic tanks shall be discharged into a sub-surface soil, absorption field where applicable or shall be treated with some type of a purification device. The treated effluent may be discharged into a stream or body of water if it conforms to the quality standards prescribe by the National Water and Air Pollution Control Commission.

SEC. 77. Determination of Septic Tank Capacity. – The septic tank capacity may be determined from the estimated unit flow contained in Table I, “Quantities of Sewage Flow,” based on adequate detention time interval resulting in efficient sedimentation. Daily flow from metered results, may be used as estimated flow when available. For edifices with occupants, the number of persons to be served shall be computed on the number of rooms with each room considered as occupied by two persons or on the basis of the actual number of persons served by the tank, whichever is greater.

SEC. 78. Sanitary Privies. – The privy recommended for use is the sanitary privy. It shall conform with the following minimum requirements:

- (a) It shall consist of an earthen pit, a floor covering the pit, and a water-sealed bowl. It shall be so constructed in order that fecal matter and urine will be deposited into the earthen pit which shall be completely fly-proof.
- (b) The pit shall be at least 1 meter square.
- (c) The floor should cover the pit tightly to prevent the entrance of flies. It shall be constructed of concrete or other impervious material.
- (d) The water-sealed bowl shall be joined to the floor so as to form a water-tight and insect proof joint.
- (e) A suitable building, shall be constructed to provide comfort and privacy for the users of the privy.
- (f) Wooden floors and seat risers shall not be used.

SEC. 79. Drainage.

- (a) *Responsibility of cities and municipalities.* – It shall be the responsibility of all cities and municipalities to provide and maintain in a sanitary state and in good repair a satisfactory system of drainage in all inhabited areas where waste water from buildings and premises could empty without causing nuisance to the community and danger to public health.
- (b) *Connection to the municipal drainage system.* – Buildings or premises producing waste water shall be connected to the municipal drainage system in all areas where it exists.

SEC 80. Special Precaution for Radioactive Excreta and Urine of Hospitalized Patient.

- (a) Patients given high doses of radioactive isotope for therapy should be given toilet facilities separate from those used by “non-radioactive” patients.
- (b) Radioactive patients should be instructed to use the same toilet bowl at all times and to flush it at least three times after its use.

CHAPTER XVIII

REFUSE DISPOSAL

SECTION 81. *Definition of Terms.* – As used in this Chapter, refuse is an inclusive term for all solid waste products consisting of garbage, rubbish, ashes, night soil, manure, dead animals, street sweepings and industrial wastes.

SEC. 82. *Responsibility of Cities and Municipalities.* – Cities and municipalities shall provide an adequate and efficient system of collecting, transporting and disposing refuse in their areas of jurisdiction in a manner approved by the local health authority.

SEC. 83. *Additional Requirements.*

- (a) Occupants of buildings and residences shall; provide a sufficient number of receptacles for refuse. Refuse in receptacles shall be protected against vermin and other animals.
- (b) Refuse shall be disposed through a municipal collection service. If this service is not available, disposal shall be by incineration, burying, sanitary landfill or any method approved by the local health authority.
- (c) Refuse shall not be thrown in any street, sidewalk, yard, park or any body of water. It shall be stored in a suitable container while awaiting its final disposal.
- (d) Streets shall be kept clean by occupants or owners of properties lining the street from the line of the property to the middle of the street and from one property to the other.
- (e) Parks, plazas and streets adjacent to public buildings shall be kept clean by the local government concerned.

CHAPTER XIX

NUISANCES AND OFFENSIVE TRADES AND OCCUPATIONS

SECTION 84. *Definition of Terms.* – As used in this Chapter, the following terms shall mean and include:

- (a) *Nuisance.* – Anything that injures health, endangers life, offends the senses or produces discomfort to the community.
- (b) *Offensive trades or occupations.* – These are the following:
 - 1. Soap boiling;
 - 2. Guts cleaning;
 - 3. Boiling of offal, bones, fat or lard; (Permissible if process is performed in a public slaughterhouse under prescribed regulations.)
 - 4. Manufacturing of glue or fertilizer;
 - 5. Skin curing;
 - 6. Scrap processing;
 - 7. Manure storing;
 - 8. Lime burning;
 - 9. Lye making; and

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10. Any manufacturing process in which lead, arsenic, mercury, phosphorous, or other poisonous substance is used.

SEC. 85. *Types of Nuisances.* – For the purpose of this Chapter, the following shall be considered nuisances:

- (a) Public or private premises maintained and used in a manner injurious to health;
- (b) Breeding places and harborages of vermin;
- (c) Animals and their carcasses which are injurious to health;
- (d) Accumulation of refuse;
- (e) Noxious matter or waste water discharged improperly in streets;
- (f) Animals stockage maintained in a manner injurious to health;
- (g) Excessive noise; and
- (h) Illegal shanties in public or private properties.

SEC. 86. *Responsibilities of Owners, Managers or Operators.* – The Owners, managers or operators of establishments shall:

- (a) Secure a sanitary permit from the local health authority before establishing and operating their business or trade;
- (b) Remove daily all injurious by-products and wastes;
- (c) Prevent the escape of industrial impurities and adopt methods to render them innocuous;
- (d) Maintain working establishments and their premises clean and sanitary at all times;
- (e) Store all materials properly to prevent emission of noxious or injurious effluvia.

CHAPTER XX

POLLUTION OF THE ENVIRONMENT

SECTION 87. *General Provisions.* – For the purpose of this Chapter, the provisions of Republic Act No. 3931, the rules and regulations of the National Water and Air Pollution Control Commission promulgated in accordance with the provisions of Section 6(a) 2 of the said Act, the provisions of Presidential Decree No. 480, and the rules and regulations of the Radiation Health Office of the Department of Health shall be applied and enforced.

SEC. 88. *Authority of the Secretary.* – The Secretary is authorized to promulgate rules and regulations for the control and prevention of the following types of pollution:

- (a) Pollution of pesticides and heavy metals;
- (b) Pollution of food caused by chemicals, biological agents, radioactive materials, and excessive or improper use of food additives;
- (c) Non-ionizing radiation caused by electronic products such as laser beams or microwaves;
- (d) Noise pollution caused by industry, land and air transport and building construction;
- (e) Biological pollutants including the causative agents of intestinal infections;

- (f) Pollution of agricultural products through the use of chemical fertilizers and plant pesticides containing toxic chemical substances and unsanitary agricultural practices; and
- (g) Any other type of pollution which is not covered by the provisions of Republic Act 3931, the Rules and Regulations of the National Water and Air Pollution Control Commission, the provisions of Presidential Decree No. 480 and the rules and regulations of the Radiation Health Office of the Department of Health which is likely to affect community Health adversely.

CHAPTER XXI

DISPOSAL OF DEAD PERSONS

SECTION 89. Definition. – As used in this Chapter, the following terms shall mean:

- (a) *Burial grounds.* – Cemetery, memorial park of any place duly authorized by law for permanent disposal of the dead.
- (b) *Embalming.* – Preparing, disinfecting and preserving a dead body for its final disposal.
- (c) *Embalmer.* – A person who practices embalming.
- (d) *Undertaking.* – The care, transport and disposal of the body of a deceased person by any means other than embalming.
- (e) *Undertaker.* – Person who practices undertaking.
- (f) *Funeral establishment.* – Any place used in the preparation and care of the body of a deceased person for burial.
- (g) *Remains.* – The body of a dead person.
- (h) *Burial.* – Interment of remains in a grave, tomb or the sea.
- (i) *Disinterment.* – The removal or exhumation of remains from places of interment.

SEC. 90. Burial Grounds Requirements. – The following requirements shall be applied and enforced:

- (a) It shall be unlawful for any person to bury remains in places other than those legally authorized in conformity with the provisions of this Chapter.
- (b) A burial ground shall at least be 25 meters distant from any dwelling house and no house shall be constructed within the same distance from any burial ground.
- (c) No burial ground shall be located within 50 meters from either side of a river or within 50 meters from any source of water supply.

SEC. 91. Burial Requirements. – The burial remains is subject to the following requirements:

- (a) No remains shall be buried without a dead certificate. This certificate shall be issued by the attending physician. If there has been no physician in attendance, it shall be issued by the mayor, the secretary of the municipal board, or a councilor of the municipality where the death occurred. The death certificate shall be forwarded to the local civil register within 48 hours after death.
- (b) Shipment of remains abroad shall be governed by the rules and regulations of the Bureau of Quarantine.
- (c) Graves where remains are buried shall be at least 1 1/2 meters deep and filled well and firmly.

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- (d) The cost of burial of a dead person shall be borne by the nearest kin. If the kin is not financially capable of defraying the expenses or if the deceased had no kin, the cost shall be borne by the city or municipal government.
- (e) The burial of remains in city or municipal burial grounds shall not be prohibited on account of race, nationality, religion or political persuasion.
- (f) If the person who issues a death certificate has reasons to believe or suspect that the cause of death was due to violence or crime, he shall notify immediately the local authorities concerned. In this case the deceased shall not be buried until a permission is obtained from the provincial or city fiscal. If these officials are not available the permission shall be obtained from any government official authorized by law.
- (g) Except when required by legal investigation or when permitted by the local health authority, no unembalmed remains shall remain unburied longer than 48 hours after death.
- (h) When the cause of death is a dangerous communicable disease, the remains shall be buried within 12 hours after death. They shall not be taken to any place of public assembly. Only the adult members of the family of the deceased may be permitted to attend the funeral.

Sec. 92. *Disinterment Requirements.* – Disinterment of remains is subject to the following requirements:

- (a) Permission to disinter remains of persons who died of non-dangerous communicable diseases may be granted after a burial period of three years.
- (b) Permission to disinter remains of person who died of dangerous communicable diseases may be granted after a burial period of five years.
- (c) Disinterment of remains covered in paragraphs “a” and “b” of this Section may be permitted within a shorter time than that prescribed in special cases, subject to the approval of the Regional Director concerned or his duly authorized representative.
- (d) In all cases of disinterment, the remains shall be disinfected and placed in a durable and sealed container prior to their final disposal.

Sec. 93. *Funeral and Embalming Establishments.* – These establishments are subject to the following requirements:

- (a) *Scope of inclusion.* – For the purposes of this Section, requirements prescribed herein shall be applied and enforced to funeral chapels, embalming establishments and morgues.
- (b) *Sanitary permit.* – No establishment mentioned in the preceding paragraph shall be operated without a sanitary permit issued by the Secretary or his duly authorized representative. This permit shall be revoked in case of any violation of the provisions of this Chapter and the rules and regulations promulgated by the Secretary.
- (c) *Classification.* – Funeral establishment shall be classified in three categories which are described as follows:
 1. *Category I.* – Establishments with chapels, and embalming facilities and offering funeral services.
 2. *Category II.* – Establishments with chapels and offering funeral services but without embalming facilities.
 3. *Category III.* – Establishments offering only funeral services from the house of the deceased to the burial ground.

(d) Sanitary requirements

For funeral chapels. – The requirements prescribed for places of public assembly in this Code shall be applied.

For embalming and dressing rooms.

1. They should be constructed of concrete or semi-concrete materials with sufficient space to accommodate five bodies at one time.
2. The floors and walls shall be made of concrete or other durable impervious materials.
3. Ventilation and lighting should be adequately provided.
4. Embalming shall be performed on a table made of a single marble slab or other equally impervious materials. It shall be so constructed that all washings and body fluids shall flow to a drain connected to the waste piping system of the building.
5. Embalming and assistants shall use rubber gloves when working.
6. Washing facilities with soaps, detergents and germicidal solutions shall be provided for use of the following personnel.

SEC. 94. Licensing and Registration Procedures. – The licensing and registration of undertakers and embalmers are subject to the following requirements:

(a) *Issuance of license to practice*

1. Any person who desires to practice undertaking or embalming shall be licensed to practice only after passing an examination conducted by the Department.
2. Licensed undertakers or embalmers shall practice undertaking or embalming in accordance with requirements prescribed by the Department.
3. Licensed undertakers or embalmers shall display their licenses conspicuously in the establishments where they work.

(b) *Issuance of certificates of registration*

1. An undertaker or embalmer shall apply annually for a registration certificates and pay an annual registration fee of Twenty-Five Pesos (P25) to the Regional Health Office concerned.
2. The first registration certificate issued shall cover the period from the date of issuance to the last day of the current year. Subsequent certificates shall bear the date of January 1 of the year of issue and shall expire December 31 of the same year.
3. Certificates of registration shall be posed conspicuously in establishments concerned.

(c) *Exemption.* – Government and private physicians may perform embalming without license and registration certificates as exigencies require.

SEC. 95. Autopsy and Dissection of Remains. – The autopsy and dissection of remains are subject to the following requirements:

(a) Person authorized to perform these are:

1. Health officers;
2. Medical officers of law enforcement agencies; and
3. Members of the medical staff of accredited hospitals.

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(b) Autopsies shall be performed in the following cases:

1. Whenever required by special laws;
2. Upon orders of a competent court, a mayor and a provincial or city fiscal;
3. Upon written request of police authorities;
4. Whenever the Solicitor General, provincial or city fiscal as authorized by existing laws, shall deem it necessary to disinter and take possession of remains for examination to determine the cause of death; and
5. Whenever the nearest kin shall request in writing the authorities concerned to ascertain the cause of death.

(c) Autopsies may be performed on patients who die in accredited hospitals subject to the following requirements:

1. The Director of the hospital shall notify the next of kin of the death of the deceased and request permission to perform an autopsy.
2. Autopsy can be performed when the permission is granted or no objection is raised to such autopsy within 48 hours after death.
3. In cases where the deceased has no next of kin, the permission shall be secured from the local health authority.
4. *Burial of remains after autopsy.* – After an autopsy, the remains shall be interred in accordance with the provisions in this Chapter.

SEC. 96. *Donation of Human Organs for Medical, Surgical and Scientific Purposes.* – Any person may donate an organ or any part of his body to a person, a physician, a scientist, a hospital or a scientific institution upon his death for transplant, medical, or research purposes subject to the following requirements:

- (a) The donation shall be authorized in writing by the donor specifying the recipient, the organ or part of his body to be donated and the specific purpose for which it will be utilized.
- (b) A married person may make such donation without the consent of his spouse.
- (c) After the death of a person the next of kin may authorize the donation of an organ or any part of the body of the deceased for similar purposes in accordance with the prescribed procedure.
- (d) If the deceased has no next of kin and his remains are in the custody of an accredited hospital, the Director of the hospital may donate an organ or any part of the body of the deceased in accordance with the requirement prescribed in this Section.
- (e) A simple written authorization signed by the donor in the presence of two witnesses shall be deemed sufficient for the donation of organs or parts of the human body required in this Section, notwithstanding the provisions of the Civil Code of the Philippines on matters of donation. A copy of the written authorization shall be forwarded to the Secretary.
- (f) Any authorization granted in accordance with the requirements of this Section is binding to the executors, administrators, and members of the family of the deceased.

SEC. 97. *Use of Remains for Medical Studies and Scientific Research.* – Unclaimed remains may be used by medical schools and scientific institutions for studies and research subject to the rules and regulations prescribed by the Department.

SEC. 98. *Special Precautions for Safe Handling of Cadavers Containing Radioactive Isotopes.*

- (a) Cadavers containing only traces (very small dose) of radioactive isotope do not require any special handling precautions.
- (b) Cadavers containing large amounts of radioactive isotopes should be labelled properly identifying the type and amount or radioactive isotopes present and the date of its administration.
- (c) Before autopsy is performed, the Radiation Health Officer or his duly authorized representative should be notified for proper advice. The pathologist and/or embalmer should be warned accordingly of the radioactivity of the cadaver so that radiation precautions can be properly enforced.
- (d) Normal burial procedures, rules and regulations may be carried out on the above mentioned cadavers provided that their amount of radioactivity has decayed to a safe level which will be determined by the Radiation Health Officer or his authorized representative.
- (e) *Cremation.* – If cremation is performed without autopsy, there is no handling problem; otherwise, autopsy precautions should be strictly enforced. Precautions should be taken to prevent any possible concentration of radioactivity at the base of the stack of the crematorium.

SEC. 99. *Responsibility of the Regional Director.* – The Regional Director shall:

- (a) Act on applications for the establishment of burial grounds; and
- (b) Close any burial ground which is a menace to public health.

SEC. 100. *Responsibility of the Local Health Authority.* – The local health authority shall:

- (a) Administer city or municipal cemeteries;
- (b) Issue permits to inter, disinter or transfer remains;
- (d) Apply prescribed measures when cause of death is due to a dangerous communicable disease;
- (e) Keep records of death occurring within his area of jurisdiction; and
- (f) Authorize the deliver of unclaimed remains to medical schools and scientific institutions for purposes specified in this Chapter and in accordance with the rules and regulations of the Department.

SEC. 101. *Responsibility of Local Government.* – Local governments shall:

- (a) Reserve appropriate tracts of land under their jurisdiction, for cemeteries subject to approval of Regional Directors concerned;
- (b) Utilize judiciously grants, gifts, bequests of property or financial donations for the establishment or improvement of cemeteries; and
- (c) Close cemeteries under their jurisdiction subject to approval of the Regional Director.

SEC. 102. *Penal Provisions.*

- (a) The Secretary or his duly authorized representative may revoke or suspend the license of an undertakers or embalmer who violates any provisions of this Chapter or the rules and regulations promulgated by the Secretary under this Chapter.
- (b) Any person who shall engage in the business of undertaking or embalming in violation of any provision of this Chapter shall be liable to a penalty of not more than One Thousand Pesos (P1,000) for each violation.

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- (c) Each day or any part thereof during which any prohibited business or practice is continued shall be deemed a separate violation and subject to the same penalty prescribed in the preceding paragraph.

CHAPTER XXII

FINAL PROVISIONS

SECTION 103. *Penal Provision.*

- (a) Unless otherwise provided in any Chapter or Section in this Code, any person who shall violate, disobey, refuse, omit or neglect to comply with any of the rules and regulations promulgated under this Code shall be guilty of misdemeanor and upon conviction shall be punished by imprisonment for a period not exceeding six months or by a fine of not exceeding One Thousand Pesos (P1,000) or both depending upon the discretion of the court.
- (b) Any person who shall interfere with or hinder, or oppose any officer, agent or member of the Department or of the bureaus and offices under it, in the performance of his duty as such under this Code, or shall tear down, mutilate, deface or alter any placard, or notice, affixed to the premises in the enforcement of the Code, shall be guilty of a misdemeanor and punishable upon conviction by imprisonment for a period not exceeding six months or by a fine of not exceeding One Thousand Pesos (P1,000) or both depending upon the discretion of the Court.

SEC. 104. *Separability Clause.* – In the event that any section, paragraph, sentence, clause, or word of this Code is declared invalid for any reason, other provisions thereof shall not be affected thereby.

SEC. 105. *Repealing Clause.* – All laws, as well as pertinent rules and regulations thereof which are inconsistent with the provisions of this Code are hereby repealed or amended accordingly.

SEC. 106. *Effectivity.* – This Code is hereby made part of the law of the land and shall take effect immediately.

Done in the City of Manila, this 23rd day of December 1975.

PRESIDENTIAL DECREE No. 979
PROVIDING FOR THE REVISION
OF PRESIDENTIAL DECREE No. 600 GOVERNING MARINE POLLUTION

WHEREAS, the marine environment and the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that it is managed and protected, and its quality is not impaired;

WHEREAS, recognizing that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources is limited;

WHEREAS, knowing that marine pollution originates from many sources, such as dumping and discharging through the rivers, estuaries, brooks or springs;

WHEREAS, it is our responsibility to control public and private activities that cause damage to the marine environment by using the best practicable means and by developing improved disposal processes to minimize harmful wastes;

WHEREAS, there is an urgent need to prevent, mitigate or eliminate the increasing damages to marine resources as a result of pollution;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order the following:

SECTION 1. Title. – This Decree shall be known as the “*Marine Pollution Decree of 1976.*”

SEC. 2. Statement of Policy. – It is hereby declared a national policy to prevent and control the pollution of seas by the dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities, or interfere with the legitimate uses of the sea within the territorial jurisdiction of the Philippines.

SEC. 3. Definition of Terms. – For the purposes of this Decree:

- (a) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping but does not include discharge of effluents from industrial or manufacturing establishments, or mill of any kind.
- (b) *Dumping* means any deliberate disposal at sea and into navigable waters of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, including the disposal of wastes or other matter directly arising from or related to the exploration, exploitation and associated off-shore processing of sea bed mineral resources unless the same is permitted and/or regulated under this decree: *Provided*, That it does not mean a disposition of any effluent from any outfall structure to the extent that such disposition is regulated under the provisions of Republic Act No. 3931, nor does it mean a routine discharge of effluent or other matter incidental to the propulsion of, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment.
- (c) *Oil* means oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredge spoil.
- (d) *Navigable Waters* means the waters of the Philippines, including the territorial sea and inland waters which are presently, or be in the future susceptible for use by watercraft.

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- (e) *Vessel* means every description of watercraft, or other artificial contrivance used, or capable of being used, as a means of transportation on water.
- (f) *Person* includes any being, natural or juridical, susceptible of rights and obligations or of being the subject of legal relations.
- (g) *Refuse* means garbage, waste, wood residues, sand, lime cinders ashes, offal, nightsoil, tar, dye stuffs, acids, chemicals and substances other than sewage and industrial wastes that may cause pollution.

Sec. 4. *Prohibited Acts.* – Except in cases of emergency imperiling life or property, or unavoidable accident, collision, or stranding or in any cases which constitute danger to human life or property or a real threat to vessels, aircraft, platforms, or other man-made structure, or if dumping appears to be the only way of averting the threat and if there is probability that the damage consequent upon such dumping will be less than would otherwise occur, and except as otherwise permitted by regulations prescribed by the National Pollution Control Commission or the Philippine Coast Guard, it shall be unlawful for any person to:

- (a) discharge, dump or suffer, permit the discharge of oil, noxious gaseous and liquid substances and other harmful substances from or out of any ship, vessel, barge, or any other floating craft, or other man-made structures at sea, by any method, means or manner, into or upon the territorial and inland navigable waters of the Philippines;
- (b) throw, discharge or deposit, dump, or cause suffer or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft or vessel of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state into tributary of any navigable water from which the same shall float or be washed into such navigable water; and
- (c) deposit or cause, suffer or procure to be deposited material of any kind in any place on the bank of any navigable water or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed or increase the level of pollution of such water.

Sec. 5. It shall be the primary responsibility of the National Pollution Control Commission to promulgate national rules and policies governing marine pollution, including but not limited to the discharge of effluents from any outfall structure, industrial and manufacturing establishments or mill of any kind to the extent that it is regulated under the provisions of Republic Act No. 3931, and to issue the appropriate rules and regulations upon consultation with the Philippine Coast Guard.

The Philippine Coast Guard shall promulgate its own rules and regulations in accordance with the national rules and policies set by the National Pollution Control Commission upon consultation with the latter, for the effective implementation and enforcement of this Decree and other applicable laws, rules and regulations promulgated by the government.

The rules and regulations issued by the National Pollution Control Commission or the Philippine Coast Guard shall not include deposit of oyster, shells, or other materials when such deposit is made for the purpose of developing, maintaining or harvesting fisheries resources and is otherwise regulated by law or occurs pursuant to an authorized government program: *Provided*, That the Philippine Coast Guard, whenever in its judgment navigation will not be injured thereby and upon consultation with and concurrence of the National Pollution Control Commission, may permit the deposit of any of the

materials abovementioned in navigable waters, and whenever any permit is so granted, the conditions thereof shall be strictly complied with.

SEC. 6. Enforcement and implementation. – The Philippine Coast Guard shall have the primary responsibility of enforcing the laws, rules and regulations governing marine pollution. However, it shall be the joint responsibility of the Philippine Coast Guard and the National Pollution Control Commission to coordinate and cooperate with each other in the enforcement of the provisions of this Decree and its implementing rules and regulations, and may call upon any other government office, instrumentality or agency to extend every assistance in this respect.

SEC. 7. Penalties for Violations. – Any person who violates Section 4 of this Decree or any regulations prescribed in pursuance thereof, shall be liable for a fine of not less than Two Hundred Pesos (P200) nor more than Ten Thousand Pesos (P10,000) or by imprisonment of not less than 30 days nor more than one year or both such fine and imprisonment, for each offense, without prejudice to the civil liability of the offender in accordance with existing laws.

Any vessel from which oil or other harmful substances are discharged in violation of Section 4 or any regulation prescribed in pursuance thereof, shall be liable for the penalty of fine specified in this section, and clearance of such vessel from the port of the Philippines may be withheld until the fine is paid.

In addition to the penalties above-prescribed, the Philippine Coast Guard shall provide in its rules and regulations such reasonable administrative penalties as may be necessary for the effective implementation of this Decree.

SEC 8. Containment Recovery System. – The Philippine Coast Guard shall develop an adequate capability for containment and recovery of spilled oil for inland waters and high seas use. An initial amount of Five Million Pesos (P5 million) is hereby appropriated for the procurement of necessary equipment for this purpose. For the succeeding fiscal years, the appropriation for the development of such capability shall be included in the Philippine Coast Guard portion of the General Appropriation Decree.

SEC. 9. Repealing Clause. – All laws, rules and regulations inconsistent with this Decree are hereby repealed or modified accordingly.

SEC. 10. Effectivity. – This Decree shall take effect immediately.

Done in the City of Manila, this 18th day of August 1976.

PRESIDENTIAL DECREE No. 1067
A DECREE INSTITUTING A WATER CODE, THEREBY REVISING AND CONSOLIDATING
THE LAWS GOVERNING THE OWNERSHIP, APPROPRIATION, UTILIZATION, EXPLOITATION,
DEVELOPMENT, CONSERVATION AND PROTECTION OF WATER RESOURCES

WHEREAS, Article XIV, Section 8 of the New Constitution of the Philippines provides, *inter alia*, that all waters of the Philippines belong to the State;

WHEREAS, existing water legislations are piece-meal and inadequate to cope with increasing scarcity of water and changing patterns of water use;

WHEREAS, there is a need for a Water Code based on rational concepts or integrated and multi-purpose management of water resources and sufficiently flexible to adequately meet future developments;

WHEREAS, water is vital to national development and it has become increasingly necessary for government to intervene actively in improving the management of water resources;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby order and decree the enactment of the Water Code of the Philippines of 1976, as follows:

CHAPTER I

DECLARATION OF OBJECTIVES AND PRINCIPLES

ARTICLE 1. This Code shall be known as "*The Water Code of the Philippines.*"

ART. 2. The objectives of this Code are:

- (a) To establish the basic principles and framework relating to the appropriation, control and conservation of water resources to achieve the optimum development and rational utilization of these resources;
- (b) To define the extent of the rights and obligations of water users and owners including the protection and regulation of such rights;
- (c) To adopt a basic law governing the ownership, appropriation, utilization, exploitation, development, conservation and protection of water resources and rights to land related thereto; and
- (d) To identify the administrative agencies which will enforce this Code.

ART. 3. The underlying principles of this code are:

- (a) All waters belong to the State.
- (b) All waters that belong to the State can not be the subject to acquisitive prescription.
- (c) The State may allow the use or development of waters by administrative concession.
- (d) The utilization, exploitation, development, conservation and protection of water resources shall be subject to the control and regulation of the government through the National Water Resources Council, hereinafter referred to as the Council.

- (e) Preference in the use and development of waters shall consider current usages and be responsive to the changing needs of the country.

ART. 4. Waters, as used in this Code, refers to water under the grounds, water above the ground, water in the atmosphere and the waters of the sea within the territorial jurisdiction of the Philippines.

CHAPTER II
OWNERSHIP OF WATERS

ARTICLE 5. The following belong to the State:

- (a) Rivers and their natural beds;
- (b) Continuous or intermittent waters of springs and brooks running in their natural beds and the beds themselves;
- (c) Natural lakes and lagoons;
- (d) All other categories of surface waters such as water flowing over lands, water from rainfall whether natural, or artificial, and water from agriculture runoff, seepage and drainage;
- (e) Atmospheric water;
- (f) Subterranean or ground waters; and,
- (g) Seawater.

ART. 6. The following waters found on private lands belong to the State:

- (a) Continuous or intermittent waters rising on such lands;
- (b) Lakes and lagoons naturally occurring on such lands;
- (c) Rain water falling on such lands;
- (d) Subterranean or ground waters; and,
- (e) Water in swamps and marshes.

The owner of the land where the water is found may use the same for domestic purposes without securing a permit, provided that such use shall be registered, when required by the Council. The Council, however, may regulate such when there is wastage, or in times of emergency.

ART. 7. Subject to the provisions of this Code, any person who captures or collects water by means of cisterns, tanks, or pools shall have exclusive control over such water and the right to dispose of the same.

ART. 8. Water legally appropriated shall be subject to the control of the appropriator from the moment it reaches the appropriator's canal or aqueduct leading to the place where the water will be used or stored and, thereafter, so long as it is being beneficially used for the purposes for which it was appropriated.

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CHAPTER III

APPROPRIATION OF WATERS

ARTICLE 9. Waters may be appropriated and used in accordance with the provisions of this Code.

Appropriation of water, as used in this Code, is the acquisition of rights over the use of waters or the taking or diverting of waters from a natural source in the manner and for any purpose allowed by law.

ART. 10. Water may be appropriated for the following purposes:

- (a) Domestic;
- (b) Municipal;
- (c) Irrigation;
- (d) Power generation;
- (e) Fisheries;
- (f) Livestock raising;
- (g) Industrial;
- (h) Recreational; and
- (i) Other purposes.

Use of water for domestic purposes is the utilization of water for drinking, washing, bathing, cooking or other household needs, home gardens, and watering of lawns or domestic animals.

Use of water for municipal purposes is the utilization of water for supplying the water requirements of the community.

Use of water for irrigation is the utilization of water for producing agricultural crops.

Use of water for power generation is the utilization of water for producing electrical or mechanical power.

Use of water for fisheries is the utilization of water for the propagation and culture of fish as a commercial enterprise.

Use of water for livestock raising is the utilization of water for large herds or flocks of animals raised as a commercial enterprise.

Use of water for industrial purposes is the utilization of water in factories, industrial plants and mines, including the use of water as an ingredient of a finished product.

Use of water for recreational purposes is the utilization of water for swimming pools, bath houses, boating, water skiing, golf courses and other similar facilities in resorts and other places of recreation.

ART. 11. The State, for reasons of public policy, may declare waters not previously appropriated, in whole or in part, exempt from appropriation for any or all purposes and, thereupon, such waters may not be appropriated for those purposes.

ART. 12. Waters appropriated for a particular purpose may be applied for another purpose only upon prior approval of the Council and on condition that the new use does not unduly prejudice the rights of other permittees, or require an increase in the volume of water.

ART. 13. Except as otherwise herein provided, no person, including government instrumentalities or government-owned or -controlled corporations, shall appropriate water without a water right, which shall be evidenced by a document known as a water permit.

Water right is the privilege granted by the government to appropriate and use water.

ART. 14. Subject to the provisions of this Code concerning the control, protection, conservation, and regulation of the appropriation and use of waters, any person may appropriate or use natural bodies of water without securing a water permit for any of the following:

- (a) Appropriation of water by means of handcarried receptacles; and
- (b) Bathing or washing, watering or dipping of domestic or farm animals, and navigation of watercrafts or transportation of logs and other objects by flotation.

ART. 15. Only citizens of the Philippines, of legal age, as well as juridical persons, who are duly qualified by law to exploit and develop water resources, may apply for water permits.

ART. 16. Any person who desires to obtain a water permit shall file an application with the Council who shall make known said application to the public for any protests.

In determining whether to grant or deny an application, the Council shall consider the following: protests filed, if any; prior permits granted; the availability of water; the water supply needed for beneficial use; possible adverse effects; land-use economics; and other relevant factors.

Upon approval of an application, a water permit shall be issued and recorded.

ART. 17. The right to the use of water is deemed acquired as of the date of filing of the application for a water permit in case of approved permits, or as of the date of actual use in a case where no permit is required.

ART. 18. All water permits granted shall be subject to conditions of beneficial use, adequate standards of design and construction, and such other terms and conditions as may be imposed by the Council.

Such permits shall specify the maximum amount of water which may be diverted or withdrawn, the maximum rate of diversion or withdrawal, the time or times during the year when water may be diverted or withdrawn, the points or points of diversion or location of wells, the place of use, the purposes of which water may be used and such other requirements the Council deems desirable.

ART. 19. Water rights may be leased or transferred in whole or in part to another person with prior approval of the Council, after due notice and hearing.

ART. 20. The measure and limit of appropriation of water shall be beneficial use.

Beneficial use of water is the utilization of water in the right amount during the period that the water is needed for producing the benefits for which the water is appropriated.

ART. 21. Standards of beneficial use shall be prescribed by the Council for the appropriator of water for different purposes and conditions, and the use of waters which are appropriated shall be measured and controlled in accordance therewith.

Excepting for domestic use, every appropriator of water shall maintain water control and measuring devices, and keep records of water withdrawal. When required by the Council, all appropriators of water shall furnish information on water use.

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ART. 22. Between two or more appropriators of water from the same sources of supply, priority in time of appropriation shall give the better right, except that in times of emergency the use of water for domestic and municipal purposes shall have a better right over all other uses; Provided, the where water shortage is recurrent and the appropriator for municipal use has a lower priority in time of appropriation, then it shall be his duty to find an alternative source of supply in accordance with conditions prescribed by the Council.

ART. 23. Priorities may be altered on grounds of greater beneficial use, multi-purpose use, and other similar grounds after due notice and hearing, subject to payment of compensation in proper cases.

ART. 24. A water right shall be exercised in such a manner that the rights of third persons or of other appropriators are not prejudiced thereby.

ART. 25. A holder of water permit may demand the establishment of easements necessary for the construction and maintenance of the works and facilities needed for the beneficial use of the waters to be appropriated subject to the requirements of just compensation and to the following conditions:

- (a) That he is the owner, lessee, mortgagee or one having real right over the land upon which he proposes to use water; and
- (b) That the proposed easement is the most convenient and the least onerous to the servient estate.

Easements relating to the appropriation and use of waters may be modified by agreement of the contracting parties provided the same is not contrary to law or prejudicial to third persons.

ART. 26. Where water shortage is recurrent, the use of the water pursuant to a permit may, in the interest of equitable distribution of the benefits among legal appropriators, be reduced after due notice and hearing.

ART. 27. Water users shall bear the diminution of any water supply due to natural causes or force majeure.

ART. 28. Water permits shall continue to be valid as long as water is beneficially used; however, it maybe suspended on the grounds of non-compliance with approved plans and specifications or schedules of water distribution; use of water for a purpose other than that for which it was granted; non-payment of water charges; wastage; failure to keep records of water diversion, when required; and violation of any term or condition of any permit or rules and regulations promulgated by the Council.

Temporary permits may be issued for the appropriation and use of water for short periods under special circumstances.

ART. 29. Water permits may be revoked after due notice and hearing on grounds of non-use; gross violation of the conditions imposed in the permit; unauthorized sale of water; willful failure or refusal to comply with rules and regulations of any lawful order; pollution, public nuisance or acts detrimental to public health and safety; when the appropriator is found to be disqualified under the law to exploit and develop natural resources of the Philippines; when, in the case, of irrigation, the land is converted to non-agricultural purposes; and other similar grounds.

ART. 30. All water permits are subject to modification or cancellation by the Council, after due notice and hearing, in favor of a project of greater beneficial use or for multi-purpose development, and a

water permittee who suffers thereby shall be duly compensated by the entity or person in whose favor the cancellation was made.

CHAPTER IV

UTILIZATION OF WATERS

ARTICLE 31. Preference in the development of water resources shall consider security of the State, multiple use, beneficial effects, adverse effects and costs of development.

ART. 32. The utilization of subterranean or ground water shall be coordinated with that of surface waters such as rivers, streams, springs and lakes, so that a superior right in one is not adversely affected by an inferior right in the other.

For this purpose the Council shall promulgate rules and regulations and declare the existence of control areas for the coordinated development, protection, and utilization of subterranean or ground water and surface waters.

Control area is an area of land where subterranean or ground water and surface water are so interrelated that withdrawal and use in one similarly affects the other. The boundary of a control area may be altered from time to time, as circumstances warrant.

ART. 33. Water contained in open canals, aqueducts or reservoirs of private persons may be used by any person for domestic purpose or for watering plants as long as the water is withdrawn by manual methods without checking the stream or damaging the canal, aqueduct or reservoir; Provided, That this right may be restricted by the owner should it result in loss or injury to him.

ART. 34. A water permittee or appropriator may use any watercourse to convey water to another point in the watercourse for the purpose stated in a permit and such water may be diverted or recaptured at that point by said permittee in the same amount less allowance for normal losses in transit.

ART. 35. Works for the storage, diversion, distribution and utilization of water resources shall contain adequate provision for the prevention and control of diseases that may be induced or spread by such works when required by the Council.

ART. 36. When the reuse of waste water is feasible, it shall be limited as much as possible, to such uses other than direct human consumption. No person or agency shall distribute such water for public consumption until it is demonstrated that such consumption will not adversely affect the health and safety of the public.

ART. 37. In the construction and operation of hydraulic works, due consideration shall be given to the preservation of scenic places and historical relics and, in addition to the provisions of existing laws, no works that would require the destruction or removal of such places or relics shall be undertaken without showing that the distribution or removal is necessary and unavoidable.

ART. 38. Authority for the construction of dams, bridges and other structures across of which may interfere with the flow of navigable or floatable waterways shall first be secured from the Department of Public Works, Transportation and Communications.

ART. 39. Except in cases of emergency to save life or property, the construction or repair of the following works shall be undertaken only after the plans and specifications therefor, as may be required by the

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Council, are approved by the proper government agency; dams for the diversion or storage of water; structures for the use of water power, installations for the utilization of subterranean or ground water and other structures for utilization of water resources.

ART. 40. No excavation for the purpose of emission of a hot spring or for the enlargement of the existing opening thereof shall be made without prior permit.

Any person or agency who intends to develop a hot spring for human consumption must first obtain a permit from the Department of Health.

ART. 41. No person shall develop a stream, lake, or spring for recreational purposes without first securing a permit from the Council.

ART. 42. Unless otherwise ordered by the President of the Philippines and only in time of national calamity or emergency, no person shall induce or restrain rainfall by any method such as cloud seeding without a permit from the proper government emergency.

ART. 43. No person shall raise or lower the water level of a river stream, lake, lagoon, or marsh nor drain the same without a permit.

ART. 44. Drainage systems shall be so constructed that their outlets are rivers, lakes, the sea, natural bodies of water, or such other watercourse as may be approved by the proper government agency.

ART. 45. When a drainage channel is constructed by a number of persons for their common benefit, the cost of construction and maintenance of the channel shall be borne by each in proportion to the benefits derived.

ART. 46. When artificial means are employed to drain water from higher to lower land, the owner of the higher land shall select the routes and methods of drainage that will cause the minimum damage to the lower lands, subject to the requirements of just compensation.

ART. 47. When the use, conveyance or storage of waters results in damage to another, the person responsible for the damage shall pay compensation.

ART. 48. When a water resources project interferes with the access of land-owner to a portion of his property or with the conveyance of irrigation or drainage water, the person or agency constructing the project shall bear the cost of construction and maintenance of the bridges, flumes and other structures necessary for maintaining access, irrigation, or drainage, in addition to paying compensation for land and incidental damages.

ART. 49. Any person having an easement for an aqueduct may enter upon the servient land for the purpose of cleaning, repairing or replacing the aqueduct or the removal of obstructions therefrom.

ART. 50. Lower estates are obliged to receive the waters which naturally and without the intervention of man flow from the higher estate, as well as the stone or earth which they carry with them.

The owner of the lower estate can not construct works which will impede this natural flow, unless he provides an alternative method of drainage; neither can the owner of the higher estate make works which will increase this natural flow.

ART. 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of 3 meters in urban areas, 20 meters in agricultural areas and 40 meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

ART. 52. The establishment, extent, form, and conditions of easements of water not expressly determined by the provisions of this Code shall be governed by the provisions of the Civil Code.

CHAPTER V

CONTROL OF WATERS

ARTICLE 53. To promote the best interest and the coordinated protection of flood plain lands, the Secretary of Public Works, Transportation and Communications may declare flood control areas and promulgate guidelines for governing flood plain management plans in these areas.

ART. 54. In declared flood control areas, rules and regulations may be promulgated to prohibit or control activities that may damage or cause deterioration of lakes and dikes, obstruct the flow of water, change the natural flow of the river, increase flood losses or aggravate flood problems.

ART. 55. The government may construct necessary flood control structures in declared flood control areas, and for this purpose it shall have a legal easement as wide as may be needed along and adjacent to the river bank and outside of the bed or channel of the river.

ART. 56. River beds, sand bars and tidal flats may not be cultivated except upon prior permission from the Secretary of the Department of Public Works, Transportation and Communication and such permission shall not be granted where such cultivation obstructs the flow of water or increase flood levels so as to cause damage to other areas.

ART. 57. Any person may erect levees or revetments to protect his property from flood, encroachment by the river or change in the course of the river, provided that such constructions do not cause damage to the property of another.

ART. 58. When a river or stream suddenly changes its course to traverse private lands, the owners of the affected lands may not compel the government to restore the river to its former bed; nor can they restrain the government from taking steps to revert the river or stream to its former course. The owners of the land thus affected are not entitled to compensation for any damage sustained thereby. However, the former owners of the new bed shall be the owners of the abandoned bed in proportion to the area lost by each.

The owners of the affected lands may undertake to return the river or stream to its old bed at their own expense; *Provided*, That a permit therefore is secured from the Secretary of Public Works, Transportation and Communication and work pertaining thereto are commenced within two years from the change in the course of the river or stream.

ART. 59. Rivers, lakes and lagoons may, upon the recommendation of the Philippine Coast Guard, be declared navigable either in whole or in part.

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ART. 60. The rafting of logs and other objects on rivers and lakes which are flutable may be controlled or prohibited during designated seasons of the year with due regard to the needs of irrigation and domestic water supply and other uses of water.

ART. 61. The impounding of water in ponds or reservoirs may be prohibited by the Council upon consultation with the Department of Health if it is dangerous to public health, or it may order that such pond or reservoir be drained if such is necessary for the protection of public health.

ART. 62. Waters of a stream may be stored in a reservoir by a permittee in such amount as will not prejudice the right of any permittee downstream. Whoever operates the reservoir shall, when required, release water for minimum stream flow.

All reservoir operations shall be subject to rules and regulations issued by the Council or any proper government agency.

ART. 63. The operator of a dam for the storage of water may be required to employ an engineer possessing qualifications prescribed for the proper operations, maintenance and administration of the dam.

ART. 64. The Council shall approve the manner, location, depth, and spacing in which borings for subterranean or ground water may be made, determine the requirements for the registration of every boring or alteration to existing borings as well as other control measures for the exploitation of subterranean or ground water resources, and in coordination with the Professional Regulation Commission prescribe the qualifications of those who would drill such borings.

No person shall drill a well without prior permission from the Council.

ART. 65. Water from one river basin may be transferred to another river basin only with approval of the Council. In considering any request for such transfer, the Council shall take into account the full costs of the transfer, the benefits that would accrue to the basin of origin without the transfer, the benefits would accrue to the receiving basin on account of the transfer, alternative schemes for supplying water to the receiving basin, and other relevant factors.

CHAPTER VI

CONSERVATION AND PROTECTION OF WATERS AND WATERSHEDS AND RELATED LAND RESOURCES

ARTICLE 66. After due notice and hearing when warranted by circumstances, minimum stream flows for rivers and streams, and minimum water levels for lakes may be established by the Council under such conditions as may be necessary for the protection of the environment, control of pollution, navigation, prevention of salt damage, and general public use.

ART. 67. Any watershed or any area of land adjacent to any surface water or overlying any ground water may be declared by the Department of Natural Resources as protected area Rules and regulations may be promulgated by such Department to prohibit or control such activities by the owners or occupants thereof within the protected area which may damage or cause the deterioration of the surface water or ground water or interfere with the investigation, use, control, protection, management or administration of such waters.

ART. 68. It shall be the duty of any person in control of a well to prevent the water from flowing on the surface of the land, or into any surface water, or any porous stratum under neath the surface without being beneficially used.

ART. 69. It shall be the duty of any person in control of a well containing water with minerals or other substances injurious to man, animals, agriculture, and vegetation to prevent such waters from flowing on the surface of the land or into any surface water or into any other aquifer or porous stratum.

ART. 70. No person shall utilize an existing well or pond or spread waters for recharging subterranean or ground water supplies without prior permission of the Council.

ART. 71. To promote better water conservation and usage for irrigation purposes, the merger of irrigation associations and the appropriation of waters by associations instead of by individuals shall be encouraged.

No water permit shall be granted to an individual when his water requirement can be supplied through an irrigation association.

ART. 72. In the consideration of a proposed water resource project, due regard shall be given to ecological changes resulting from the construction of the project in order to balance the needs of development and the protection of the environment.

ART. 73. The conservation of fish and wildlife shall receive proper consideration and shall be coordinated with other features of water resources development programs to insure that fish and wildlife values receive equal attention with other project purposes.

ART. 74. Swamps and marshes which are owned by the State and with primary value for waterfowl propagation or other wildlife purposes may be reserved and protected from drainage operation and development.

ART. 75. No person shall, without prior permission from the National Pollution Control Commission, build any works that may produce dangerous or noxious substances or perform any act which may result in the introduction of sewage, industrial waste, or any pollutant into any source of water supply.

Water pollution is the impairment of the quality of water beyond a certain standard. This standard may vary according to the use of the water and shall be set by the National Pollution Control Commission.

ART. 76. The establishment of cemeteries and waste disposal areas that may affect the source of a water supply or a reservoir for domestic or municipal use shall be subject to the rules and regulations promulgated by the Department of Health.

ART. 77. Tailings from mining operations and sediments from placer mining shall not be dumped into rivers and waterways without prior permission from the Council upon recommendation by the National Pollution Control Commission.

ART. 78. The application of agricultural fertilizers and pesticides may be prohibited or regulated by the National Pollution Control Commission in the areas where such application may cause pollution of a source of water supply.

CHAPTER VII

ADMINISTRATION OF WATERS AND ENFORCEMENT OF THE PROVISIONS OF THIS CODE

ARTICLE 79. The Administration and enforcement of the provisions of this Code, including the granting of permits and the imposition of penalties for administrative violations hereof, are hereby vested in the

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Council, and except in regard to those functions which under this Code are specifically conferred upon other agencies of the government, the Council is hereby empowered to make all decisions and determinations provided for in this Code.

ART. 80. The Council may deputize any official or agency of the government to perform any of its specific functions or activities.

ART. 81. The Council shall provide a continuing program for data collection, research and manpower development needed for the appropriation, utilization, exploitation, conservation, and protection of the water resources of the country.

ART. 82. In the implementation of the provisions of this code, the Council shall promulgate the necessary rules and regulations which may provide for penalties consisting of a fine not exceeding One Thousand Pesos (P1,000) and/or suspension or revocation of the water permit or other right to the use of water. Violations of such rules and regulations may be administratively dealt with by the Council.

Such rules and regulations prescribed by any government agency that pertain to the utilization, exploitation, development, control, conservation, or protection of water resources shall, if the Council so requires, be subject to its approval.

ART. 83. The Council is hereby authorized to impose and collect reasonable fees or charges for water resources development from water appropriators, except when it is for purely domestic purposes.

ART. 84. The Council and other agencies authorized to enforce this Code are empowered to enter upon private lands, with previous notice to the owner, for the purpose of conducting surveys and hydrologic investigations, and to perform such other acts as are necessary in carrying out their functions including the power to exercise the right of eminent domain.

ART. 85. No program or project involving the appropriation, utilization, exploitation, development, control, conservation, or protection of water resources may be undertaken without prior approval of the Council, except those which the Council may, in its discretion, exempt.

The Council may require consultation with the public prior to the implementation of certain water resources development projects.

ART. 86. When plans and specifications of a hydraulic structure are submitted for approval, the government agency whose functions embrace the type of project for which the structure is intended, shall review the plans and specifications and recommend to the Council proper action thereon and the latter shall approve the same only when they are in conformity with the requirements of this Code and the rules and regulations promulgated by the Council. Notwithstanding such approval, neither the engineer who drew up the plans and specifications of the hydraulic structure, nor the constructor who built it, shall be relieved of his liability for damages in case of failure thereof by reason of defect in plans and specifications, or failure due to defect in construction, within 10 years from the completion of the structure.

Any action recover such damages must be brought within five years following such failure.

ART. 87. The Council or its duly authorized representatives, in the exercise of its power to investigate and decide cases brought to its cognizance, shall have the power to administer oaths, compel the attendance of witnesses by *subpoena* and the production of relevant documents by *subpoena duces tecum*.

Non-compliance of violation of such orders or *subpoena* and *subpoena duces tecum* shall be punished in the same manner as indirect contempt of an inferior court upon application by the aggrieved party with the proper Court of First Instance in accordance with the provisions of Rule 71 of the Rules of the Court.

ART. 88. The Council shall have original jurisdiction over all disputes to relating to appropriation, utilization, exploitation, development, control, conservation and protection of waters within the meaning and context of the provisions of this Code.

The decisions of the Council on water rights controversies shall be immediately executory and the enforcement thereof may be suspended only when a bond, in an amount fixed by the Council to answer for damages occasioned by the suspension or stay of execution, shall have been filed by the appealing party, unless the suspension is virtue of an order of a competent court.

All dispute shall be decided within 60 days after the parties submit the same for decision or resolution.

The Council shall have the power to issue writs of execution and enforce its decisions with the assistance of local or national police agencies.

ART. 89. The decisions of the Council on water rights controversies may be appealed to the Court of First Instance of the province where the subject matter of the controversy is situated within 15 days from the date the party appealing receives a copy of the decision, on any of the following grounds; (1) grave abuse of discretion; (2) question of law; and (3) questions of fact and law.

CHAPTER VIII

PENAL PROVISIONS

ARTICLE 90. The following acts shall be penalized by suspension or revocation of the violator's water permit or other right to the use of water and/or a fine of not exceeding One Thousand Pesos (P1,000), in the discretion of the Council:

- (a) Appropriation of subterranean or ground water for domestic use by an overlying land-owner without registration required by the Council.
- (b) Non-observance of any standard of beneficial use of water.
- (c) Failure of the appropriator to keep a record of water withdrawal, when required.
- (d) Failure to comply with any of the terms or conditions in a water permit or a water rights grant.
- (e) Unauthorized use of water for a purpose other than that for which a right or permit was granted.
- (f) Construction or repair of any hydraulic work or structure without duly approved plans and specifications, when required.
- (g) Failure to install a regulating and measuring device for the control of the volume of water appropriated, when required.
- (h) Unauthorized sale, lease, or transfer of water and/or water rights.
- (i) Failure to provide adequate facilities to prevent or control diseases when required by the Council in the construction of any work for the storage, diversion, distribution and utilization of water.
- (j) Drilling of a well without permission of the Council.

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- (k) Utilization of an existing well or ponding or spreading of water for recharging subterranean or ground water supplies without permission of the Council.
- (l) Violation of or non-compliance with any order, rules, or regulations of the Council.
- (m) Illegal taking or diversion of water in an open canal, aqueduct, or reservoir.
- (n) Malicious destruction of hydraulic works or structure valued at not exceeding Five Thousand Pesos (P5,000).

ART. 91.

- A. A fine of not exceeding Three Thousand Pesos (P3,000) or imprisonment for not more than three years, or both such fine and imprisonment, in the discretion of the Court, shall be imposed upon any person who commits any of the following acts:
 - 1. Appropriation of water without a water permit, unless such person is expressly exempted from securing a permit by the provisions of this Code.
 - 2. Unauthorized obstruction of an irrigation canal.
 - 3. Cultivation of a river bed, sand bar or tidal flat without permission.
 - 4. Malicious destruction of hydraulic works or structure valued at not exceeding Twenty-Five Thousand Pesos (P25,000).
- B. A fine exceeding Three Thousand Pesos (P3,000) but not more than Six Thousand Pesos (P6,000) or imprisonment exceeding three years but not more than six years, or both such fine and imprisonment in the discretion of the Court, shall be imposed on any person who commits any of the following acts:
 - 1. Distribution for public consumption of water which adversely affects the health and safety of the public.
 - 2. Excavation or enlargement of the opening of a hot spring without permission.
 - 3. Unauthorized obstruction of a river or waterway, or occupancy of a river bank or seashore without permission.
 - 4. Establishment of a cemetery or a waste disposal area near a source of water supply or reservoir for domestic municipal use without permission.
 - 5. Constructing, without prior permission of the government agency concerned, works that produce dangerous or noxious substances, or performing acts that result in the introduction of sewage, industrial waste, or any substance that pollutes a source of water supply.
 - 6. Dumping mine tailings and sediments into rivers or waterways without permission.
 - 7. Malicious destruction of hydraulic works or structure valued more than Twenty-Five Thousand Pesos (P25,000) but at not exceeding One Hundred Thousand Peso (100,000).
- C. A fine exceeding Six Thousand Pesos (P6,000) but not more than Ten Thousand Pesos (P10,000) or imprisonment exceeding six years but not more than 12 years, or both such fine and imprisonment, in the discretion of the Court, shall be imposed upon any person who commits any of the following acts:
 - 1. Misrepresentation of citizenship in order to qualify for water permit.
 - 2. Malicious destruction of a hydraulic works or structure, valued at more than One Hundred Thousand Pesos (P100,000).

ART. 92. If the offense is committed by a corporation, trust, firm, partnership, association or any other juridical person, the penalty shall be imposed upon the President, General Manager, and other guilty officer or officers of such corporation, trust firm, partnership, association or entity, without prejudice to the filing of a civil action against said juridical person. If the offender is an alien, he shall be deported after serving his sentence, without further proceedings.

After final judgment of conviction, the Court upon petition of the prosecution attorney in the same proceedings, and after due hearing, may, when the public interest so requires, order suspension of or dissolution of such corporation, trust, firm, partnership, association or juridical person.

ART. 93. All actions for offenses punishable under Article 91 of this Code shall be brought before the proper court.

ART. 94. Actions for offenses punishable under this Code by a fine of not more than Three Thousand Pesos (P3,000) or by an imprisonment of not more than three years, or both such fine and imprisonment, shall prescribe in five years; those punishable by a fine exceeding Three Thousand Pesos (P3,000) but not more than Six Thousand Pesos (P6,000) or an imprisonment exceeding three years but not more than six years, or both such fine and imprisonment, shall prescribe in seven years; and those punishable by a fine exceeding Six Thousand Pesos (P6,000) but not more than Ten Thousand Pesos (P10,000) or an imprisonment exceeding six years but not more than 12 years, or both such fine and imprisonment, shall prescribe in 10 years.

CHAPTER IX

TRANSITORY AND FINAL PROVISIONS

ARTICLE 95. Within two years from the promulgation of this Code, all claims for a right to use water existing on or before December 31, 1974 shall be registered with the Council which shall confirm said rights in accordance with the provisions of this Code, and shall set their respective priorities.

When priority in time of appropriation from a certain source of supply cannot be determined, the order of preference in the use of the waters shall be as follows:

- (a) Domestic and municipal use;
- (b) Irrigation;
- (c) Power generation;
- (d) Fisheries;
- (e) Livestock raising;
- (f) Industrial use; and
- (g) Other uses.

Any claim not registered within said period shall be considered waived and the use of the water deemed abandoned, and the water shall thereupon be available for disposition as unappropriated waters in accordance with the provisions of this Code.

ART. 96. No vested or acquired right to the use of water can arise from acts or omissions which are against the law or which infringe upon the rights of others.

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ART. 97. Acts and contract under the regime of old laws, if they are valid in accordance therewith, shall be respected, subject to the limitations established in this Code. Any modification or extension of these acts and contracts after the promulgation of this Code, shall be subject to the provisions hereof.

ART. 98. Interim rules and regulations promulgated by the Council shall continue to have binding force and effect, when not in conflict with the provisions of this Code.

ART. 99. If any provision or part of this Code, or the application thereof to any person or circumstance, is declared unconstitutional or invalid for any reason, the other provisions or parts therein shall not be affected.

ART. 100. The following laws, parts and/or provisions of laws are hereby repealed:

- (a) The provisions of the Spanish Law on Waters of August 3, 1866, the Civil Code of Spain of 1889 and the Civil Code of the Philippines (RA No. 386) on ownership of waters, easements relating to waters, use of public waters and acquisitive prescription on the use of waters, which are inconsistent with the provisions of this Code;
- (b) The provisions of RA No. 6395, otherwise known as the Revised Charter of National Power Corporation, particularly Section 3, paragraph (f), and Section 12, insofar as they relate to the appropriation of waters and the grant thereof;
- (c) The provisions of Act No. 2152, as amended, otherwise known as the Irrigation Act, Section 3, paragraphs (k) and (m) of PD No. 813, RA No. 2056; Section 90, CA No. 137; and,
- (d) All decree, laws, acts, parts of acts, Rules of Court, executive orders, and administrative regulations which are contrary to or inconsistent with the provisions of this Code.

ART. 101. This Code shall take effect upon its promulgation.

Done in the City of Manila, this 31st day of December, 1976.

PRESIDENTIAL DECREE NO. 1151
PHILIPPINE ENVIRONMENTAL POLICY

WHEREAS, the individual and, at times, conflicting, demands of population growth, urbanization, industrial expansion, rapid natural resources utilization and increasing technological advances have resulted in a piecemeal approach concept of environmental protection;

WHEREAS, such tunnel-vision concept is not conducive to the attainment of an ideal environmental situation where man and nature can thrive in harmony with one another; and

WHEREAS, there is now an urgent need to formulate an intensive, integrated program of environmental protection that will bring about a concerted effort towards the protection of the entire spectrum of the environment through a requirement of environmental impact assessments and statements:

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. Policy. – It is hereby declared a continuing policy of the State (a) to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other; (b) to fulfill the social, economic and other requirements of present and future generations of Filipinos; and (c) to ensure the attainment of an environmental quality that is conducive to a life of dignity and well-being.

SEC. 2. Goal. – In pursuing this policy, it shall be the responsibility of the government, in cooperation with concerned private organizations and entities, to use all practicable means, consistent with other essential considerations of national policy, in promoting the general welfare to the end that the nation may (a) recognize, discharge and fulfill the responsibilities of each generation as trustee and guardian of the environment for succeeding generations; (b) assure the people of a safe, decent, healthful, productive and aesthetic environment; (c) encourage the widest exploitation of the environment without degrading it, or endangering human life, health and safety or creating conditions adverse to agriculture, commerce and industry; (d) preserve important historic and cultural aspects of the Philippine heritage; (e) attain a rational and orderly balance between population and resource use; and (f) improve the utilization of renewable and non-renewable resources.

SEC. 3. Right to a Healthy Environment. – In furtherance of these goals and policies, the Government recognizes the right of the people to a healthful environment. It shall be the duty and responsibility of each individual to contribute to the preservation and enhancement of the Philippine environment.

SEC. 4. Environmental Impact Statements. – Pursuant to the above enunciated policies and goals, all agencies and instrumentalities of the national government, including government-owned or controlled corporations, as well as private corporations, firms and entities shall prepare, file and include in every action, project or undertaking which significantly affects the quality of the environment a detail statement on:

- (a) the environmental impact of the proposed action, project or undertaking;
- (b) any adverse environmental effect which cannot be avoided should the proposal be implemented;
- (c) alternative to the proposed action;
- (d) a determination that the short-term uses of the resources of the environment are consistent with the maintenance and enhancement of the long-term productivity of the same; and

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(e) whenever a proposal involves the use of depletable or non-renewable resources, a finding must be made that such use and commitment are warranted.

Before an environmental impact statement is issued by a lead agency, all agencies having jurisdiction over, or special expertise on, the subject matter involved shall comment on the draft environmental impact statement made by the lead agency within 30 days from receipt of the same.

SEC. 5. Agency Guidelines. – The different agencies charged with environmental protection as enumerated in Letter of Instruction No. 422 shall, within 60 days from the effectivity of this Decree, submit to the National Environmental Protection Council (NEPC), their respective guidelines, rules and regulations to carry out the provisions of Section 4 hereof on environmental impact assessments and statements.

SEC. 6. Repealing Clause. – All acts, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Decree are hereby repealed, amended or modified accordingly.

SEC. 7. Effectivity. – This Decree shall take effect immediately.

Done in the City of Manila this 6th day of June 1977.

PRESIDENTIAL DECREE No. 1433
PROMULGATING THE PLANT QUARANTINE LAW OF 1978,
THEREBY REVISING AND CONSOLIDATING EXISTING PLANT QUARANTINE LAWS
TO FURTHER IMPROVE AND STRENGTHEN THE PLANT QUARANTINE SERVICE
OF THE BUREAU OF PLANT INDUSTRY

WHEREAS, economic losses due to injury on agricultural crops brought about by plant pests have become increasingly significant;

WHEREAS, the prevention of introduction, incursion, establishment and subsequent spread of plant pests by regulating the international and domestic movements of plants and plant products, is considered more practical and economical than any other method of plant pest control;

WHEREAS, modern means of transportation and handling of imports and exports have favored the expeditious and extensive movements of plants and plant products, thereby, increasing the risk of plant pest introduction and/or incursion;

WHEREAS, plant quarantine is basically and essentially a preventive measure, it being the actual front-line defense against the introduction or incursion into the country of plant pests which are destructive to our agricultural crops;

WHEREAS, some of the provisions of Act No. 3027 dated March 8, 1922, entitled, "*An Act to Protect the Agricultural Industries of the Philippine Islands from Injurious Plant Pests and Diseases Existing in Foreign Countries and Further to Regulate the Domestic Movement of the Plant Materials in Order to Minimize the Injury from Pests and Diseases Already Introduced,*" and Act No. 3767, dated November 26, 1930, entitled "*An Act Regulating the Importation, Bringing or Introduction into the Philippine Islands of Living Animals, such as Insects, Birds, Crustaceans, Bats, Mollusks, Reptiles, Mammals, and Other Animals, not Falling within the Scope of the Term 'Domestic Animals' as Provided and Defined in Section Four of Act No. 3639, in Order to Protect the Agricultural Industries of this Country and for Other Purposes*" are no longer relevant and applicable to the protection of plant industries of this country, and therefore, require urgent and immediate modification and updating;

WHEREAS, the Plant Quarantine rules and regulations of the Philippines must be compatible with those of other countries and with the provisions of the Food and Agriculture Organization International Plant Protection Convention of the United Nations to which the Philippines is a signatory;

WHEREAS, the attainment of the foregoing objectives require the necessary improvement and strengthening of the Plant Quarantine Services of the Bureau of Plant Industry by providing adequate laws, regulations, resources and facilities, and incentives to Plant Quarantine Officers;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution do hereby decree and order the following:

SECTION 1. This Decree shall be known as the "*Plant Quarantine Decree of 1978.*"

SEC. 2. Definition of Terms. – The following terms used in this Decree shall mean as follows:

- (a) *Person* any natural or juridical person such as corporation, partnerships, societies, associations, firms, companies and other legal entities.
- (b) *Director* – The Director of Plant Industry.

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- (c) *Plant Quarantine Officer* any person so appointed and/or designated by the Director of Plant Industry.
- (d) *Country* any independent political unit or sovereign nation, territory, colony and political or territorial subdivision.
- (e) *Carrier* includes any sort or craft or other artificial contrivance used, capable of being used as means of transportation in land, water or air.
- (f) *Plants* shall comprise [comprise] living plants and parts thereof, including seeds, cuttings, rhizomes, bulbs and corns, grafts, leaves, roots, scions and others that are capable of propagation.
- (g) *Plant Products* shall mean products derived from plants, either in their natural state or in manufactured or processed form and are capable of harboring plant pests.
- (h) *Potential Animal Pest* shall comprise [comprise] certain species of animal that are liable to become agricultural crop pests such as insects, monkeys, rodents, bats, finches, rabbits, snails and other forms of animal life capable of causing injury to agricultural crops.
- (i) *Packing Materials* includes leaves, straw, bark and other plant materials used as wrapping, packing, or converting and are capable of harboring plant pests.
- (j) *Plant Pest* any form of plant or animal life, or any pathogenic agent, injurious or potentially injurious to plants and/or plant products.
- (k) *Quarantine Orders* shall mean those Administrative Orders promulgated and issued by the Director of Plant Industry to implement the provision of this Decree.
- (l) *Commodity Treatment* any form of treatment applied to plants, plant products, and other materials capable of harboring plant pests, for the purpose of destroying or eliminating any infection/infestation caused by plant pests.
- (m) *Port of Entry* is a port open to both foreign and domestic trade. The term includes principal ports of entry and subports of entry.
- (n) *Importation* is the act of bringing into the country the foreign commodities mentioned under Sections 3 and 4 of this Decree for planting, consumption, manufacturing, domestication or for any other purpose.
- (o) *Plants/Plant Products in Transit* shall refer to plants/plant products brought into any port in the country but are not intended for landing at the said port.
- (p) *Exportation* is the act of transporting commodities mentioned under Sections 3, 4, and 6 hereof, from a local port to a foreign port.
- (q) *Phytosanitary Certification* shall mean plant health certification.

SEC. 3. Importation of plants and plant products. – The importation and/or introduction into the Philippines of plants, plant products, soil, packing materials of plant origin capable of harboring and are a source of medium of infection/infestation of plant pests, is hereby restricted subject to such quarantine orders, rules and regulations as may be promulgated, from time to time, by the Director with the approval of the Secretary of Agriculture.

SEC. 4. Importation of potential animal pests. – The importation of certain species of animals which are liable to become agricultural crop pests and are capable of causing injury to agricultural crops, is hereby prohibited. However, importation in limited quantities for a justifiable purpose and upon a written permit from the Director of Plant Industry, may be allowed.

SEC. 5. *Commodities in transit.* – Commodities mentioned under Sections 3 and 4 of this Decree, as well as, food provisions of plant origin and plant ornaments on board carriers, that are in transit shall be required of a clearance from the Plant Quarantine Officers assigned at the port concerned.

SEC. 6. *Exportation of plants and plant products.* – The Director and/or Plant Quarantine Officers shall cause the inspection and phytosanitary certification of all plants, plant products and other related materials capable of harboring plant pests, if the importing country so requires.

SEC. 7. *Inspection of plants/plants products, potential animal pests, and other materials.* – The Director shall cause the appropriate inspection, of the commodities mentioned in Sections 3, 4, 5 and 6 and to apply the necessary plant quarantine measures in order to attain the objectives of this Decree.

SEC. 8. *Domestic quarantine of plants and plant products.* – In order to prevent and arrest the spread to other areas, of injurious plant pests existing in certain localities within the Philippines, the Director, and/or the Plant Quarantine Officers shall cause the inspection; treatment, if necessary; and certification of plants and plant products involved in the movement from one locality to another within the country. In cases where it is necessary to contain plant pest(s) the Director may limit the movement of certain plants and/or plant products.

SEC. 9. *Appointment and/or designation of Plant Quarantine Officers.* – The Director shall cause the appointment and/or special designation of Plant Quarantine Officers, who shall act as his representatives, in implementing and enforcing the provisions of this Decree. Provided, however, that such special designation shall be in written form.

SEC. 10. *Powers and duties of Plant Quarantine Officers.*

- (a) To inspect all carriers, crew/passenger luggages and incoming mails, in order to determine the presence of plants, plant products, and other materials capable of harboring plant pests, as well as, potential animal pests.
- (b) To enter into the [and] inspect any and all areas where plants, plant products, and other materials capable of harboring plant pests are landed, stored, and/or grown.
- (c) To examine imported plants, plant products, and other materials capable of harboring plant pests as well as potential animal pests and to administer necessary measures to ensure effective implementation of the provisions of this Decree.
- (d) To inspect, administer treatment, if necessary; and issue phytosanitary certificates on plants, plant products, and other related materials intended for export, if the improving country so requires.
- (e) To confiscate and destroy or refuse entry of plants, plant products and potential animal pests involved in prohibited importations, as well as prohibited plants and plant products which exportation is, likewise, prohibited.
- (f) To perform such other related duties which may be assigned to him, from time to time.

In the exercise of the powers and duties herein vested to Plant Quarantine Officers, they are hereby given police power and authority.

SEC. 11. *Non-liability clause.* – All charges for storage, demurrage, cartage, labor and delays incident to inspection, cost of disinfection or disinfestation and other post-entry requirements shall be the responsibility of the importer or the exporter, as the case may be. *Provided*, that the Bureau of Plant

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Industry and/or its authorized representative shall not be held liable for damages to the commodity in the course of the implementation of the provisions of this Decree.

SEC. 12. Duties of the importer and exporter. – The importers, exporters, or their authorized representatives shall submit a declaration to the Director of Plant Industry or his authorized representatives at, or before the time of entry/embarkation of commodities mentioned under Sections 3, 4 and 6 hereof, for importation/exportation. Such declaration shall indicate the name and address of the consignor/consignee; the purpose; kind, nature and quantity of said commodities; the country or locality where the same was grown; place and date of unloading or embarkation; and the registered name of carrier carrying the consignment.

SEC. 13. Entrance and clearance of carriers. – The owner, operator, agent or master of carriers flying international and/or domestic routes are hereby required to serve a notice of arrival and departure and to provide inward and outward cargo manifests and other declarations of said carriers to the Plant Quarantine Officer at the port. Prior to departure, the agent or master of said carrier must secure a clearance from the Plant Quarantine Officer thereat.

The Collector of Customs or his authorized agents shall, require the owner, agent or master of carrier to submit a copy of the certificate of Plant Quarantine Clearance as a pre-requisite to the issuance of the Customs Clearance.

SEC. 14. Collection of fees. – The Director shall promulgate rules and regulations governing the collection of nominal regulatory fees for inspection, certification, import permits, commodity treatment and other, on commodities mentioned under Section 3, 4 and 6. *Provided*, that said collections shall constitute the Revolving Fund of the National Plant Quarantine Service, to augment the existing appropriations therefor, subject to government accounting and auditing regulations. *Provided*, however, that importations and exportations of all government agencies, government owned or controlled corporations, donations to and for the account of any duly registered relief-organizations, or any charitable institution certified by the Department of Social Services and Development' embassies of foreign governments, and those that may be declared by the President, upon the recommendation of the National Economic and Development Authority, in the interest of economic development, are exempted from payment of such fees excluding, however, the expenses incurred in commodity treatment.

SEC. 15. Overtime services. – The services of Plant Quarantine Officers, fumigators and helpers performed outside office hours and reimbursement of meal, transportation, lodging and other incidental expenses shall be chargeable to party or parties served at rates to be prescribed by the Secretary of Agriculture upon recommendation of the Director.

SEC. 16. Cooperating agencies. – The Director may, when necessary, call upon other government agencies (military, civil, national or local) in the implementation of plant quarantine regulation and dissemination of information to the general public.

SEC. 17. Authority to promulgate Special Quarantine Orders, rules and regulations. – The Director, with the approval of the Secretary of Agriculture, is hereby authorized to promulgate such Special Quarantine Orders, rules and regulations to implement the provisions of this Decree.

SEC. 18. The Plant Quarantine Board. – For the purpose of carrying out the provisions of this Decree, a Plant Quarantine Board is hereby created composed of the following:

PRESIDENTIAL DECREE No. 1433

a. The Director of Plant Industry	<i>Chairman</i>
b. Commissioner of Customs or representative	<i>Member</i>
c. General Manager or representative of Philippine Ports Authority	<i>Member</i>
d. Director, Bureau of Quarantine or representative	<i>Member</i>
e. Director, Bureau of Animal Industry or representative	<i>Member</i>
f. Representative from the National Economic and Development Authority	<i>Member</i>
g. Representative from the Central Bank of the Philippines	<i>Member</i>
h. Administrative or representative of the Philippine Coconut Authority	<i>Member</i>
i. Director of Forestry or representative	<i>Member</i>
j. Bureau of Plant Industry Legal Officer	<i>Member</i>
k. Representative from the Importers' and Exporters' Confederation	<i>Member</i>
l. Chief, Crop Protection Division, Bureau of Plant Industry	<i>Member</i>
m. Postmaster-General or representative	<i>Member</i>
n. Chief, Plant Quarantine Section, Bureau of Plant Industry	<i>Secretary</i>

SEC. 19. Duties of the Board. – The Plant Quarantine Board shall be the advisory body to assist the Director of Plant Industry in formulating orders, rules and regulations for the effective implementation of the revisions of this Decree.

SEC. 20. Board Meeting. – The Board shall meet once every quarter, or may call special meetings when necessary, provided, that such special meetings shall not be held more than four times annually. The members of the Board shall receive a per diem of Two Hundred Pesos (P200) each per meeting.

SEC. 21. Quorum. – A majority of the members of the Board shall constitute a quorum.

SEC. 22. Appropriation of the Plant Quarantine Board. – The sum of Three Hundred Thousand Pesos (P300,000) annually is, hereby appropriated for the expenses of the Plant Quarantine Board. *Provided*, that any unexpected amount of the said sum shall be reverted to the Plant Quarantine Revolving Fund.

SEC. 23. Penalty Clause. – Any person, company or corporation who violates the provisions of this Decree, or forges, counterfeits, alters, defaces and destroys any document issued by virtue of this Decree shall be fined not more than Twenty Thousand Pesos (P20,000) or by imprisonment from *prision correccional* to *prision mayor*, or both, at the discretion of the Court.

SEC. 24. Separability Clause. – If any of the provisions of this Decree shall be invalid, the remainder shall be operative.

SEC. 25. Repealing Clause. – All laws, rules and regulations inconsistent with the provisions of this Decree are, hereby superseded or revoked accordingly.

SEC. 26. Effectivity. – This Decree shall take effect immediately upon approval.

Done in the City of Manila, this 10th day of June 1978.

PRESIDENTIAL DECREE No. 1586
ESTABLISHING AN ENVIRONMENTAL IMPACT STATEMENT SYSTEM, INCLUDING OTHER
ENVIRONMENTAL MANAGEMENT RELATED MEASURES AND FOR OTHER PURPOSES

WHEREAS, the pursuit of a comprehensive and integrated environmental protection program necessitates the establishment and institutionalization of a system whereby the exigencies of socio-economic undertakings can be reconciled with the requirements of environmental quality;

WHEREAS, the regulatory requirements of environmental impact statements and assessments instituted in pursuit of this national environmental protection program have to be worked into their full regulatory and procedural details in a manner consistent with the goals of the program.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and declare:

SECTION 1. Policy. – It is hereby declared the policy of the State to attain and maintain a rational and orderly balance between socio-economic growth and environmental protection.

SEC. 2. Environmental Impact Statement System. – There is hereby established an Environmental Impact Statement System founded and based on the environmental impact statement required under Section 4 of Presidential Decree No. 1151, of all agencies and instrumentalities of the national government, including government-owned or controlled corporations, as well as private corporations, firms and entities, for every proposed project and undertaking which significantly affects the quality of the environment.

SEC. 3. Determination of Lead Agency. – The Minister of Human Settlements or his designated representative is hereby authorized to name the lead agencies referred to in Section 4 of Presidential Decree No. 1151 which shall have jurisdiction to undertake the preparation of the necessary environmental impact statements on declared environmentally critical projects and areas. All environmental impact statements shall be submitted to the National Environmental Protection Council for review and evaluation.

SEC. 4. Presidential Proclamation of Environmentally Critical Areas and Projects. – The President of the Philippines may, on his own initiative or upon recommendation of the National Environmental Protection Council, by proclamation declare certain projects, undertakings or areas in the country as environmentally critical. No person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate issued by the President or his duly authorized representative. For the proper management of said critical project or area, the President may by his proclamation reorganize such government offices, agencies, institutions, corporations or instrumentalities including the realignment of government personnel, and their specific functions and responsibilities.

For the same purpose as above, the Ministry of Human Settlements shall:

- a. prepare the proper land or water use pattern for said critical project(s) or area(s);
- b. establish ambient environmental quality standards;

- c. develop a program of environmental enhancement or protective measures against calamitous factors such as earthquake, floods, water erosion and others, and
- d. perform such other functions as may be directed by the President from time to time.

SEC. 5. Environmentally Non-Critical Projects. – All other projects, undertakings and areas not declared by the President as environmentally critical shall be considered as non-critical and shall not be required to submit an environmental impact statement. The National Environmental Protection Council, through the Ministry of Human Settlements, may however require non-critical projects and undertakings to provide additional environmental safeguards as it may deem necessary.

SEC. 6. Secretariat. – The National Environmental Protection Council is hereby authorized to constitute the necessary secretariat which will administer the Environmental Impact Statement System and undertake the processing and evaluation of environmental impact statements.

SEC. 7. Management and Financial Assistance. – The Ministry of Human Settlements is hereby authorized to provide management and financial support to government offices and instrumentalities placed under its supervision pursuant to this Decree financed from its existing appropriation or from budgetary augmentation as the Minister of Human Settlements may deem necessary.

SEC. 8. Rules and Regulations. – The National Environmental Protection Council shall issue the necessary rules and regulations to implement this Decree. For this purpose, the National Pollution Control Commission may be availed of as one of its implementing arms, consistent with the powers and responsibilities of the National Pollution Control Commission as provided in PD No. 984.

SEC. 9. Penalty for Violation. – Any person, corporation or partnership found violating Section 4 of this Decree, or the terms and conditions in the issuance of the Environmental Compliance Certificate, or of the standards, rules and regulations issued by the National Environmental Protection Council pursuant to this Decree shall be punished by the suspension or cancellation of his/its certificate and/or a fine in an amount not to exceed Fifty Thousand Pesos (P50,000) for every violation thereof, at the discretion of the National Environmental Protection Council.

SEC. 10. Environmental Revolving Fund. – Proceeds from the penalties prescribed in the preceding Section 9 and other penalties imposed by the National Pollution Control Commission as authorized in PD No. 984, shall be automatically appropriated into an Environment Revolving Fund hereby created as an exemption to PD No. 711 and PD No. 1234. The fund shall be used exclusively for the operation of the National Environmental Protection Council and the National Pollution Control Commission in the implementation of this Decree. The rules and regulations for the utilization of this fund shall be formulated by the Ministry of Human Settlements and submitted to the President for approval.

SEC. 11. Repealing Clause. – The Inter-Agency Advisory Council of the National Pollution Control Commission created under Section 4 of PD No. 984 is hereby abolished and its powers and responsibilities are forthwith delegated and transferred to the control of the National Environmental Protection Council.

All other laws, decrees, executive orders, rules and regulations inconsistent herewith are hereby repealed, amended or modified accordingly.

SEC. 12. Effectivity Clause. – This Decree shall take effect immediately.

Done in the City of Manila this 11th day of June 1978.

REPUBLIC ACT No. 3571
AN ACT TO PROHIBIT THE CUTTING, DESTROYING OR INJURING
OF PLANTED OR GROWING TREES, FLOWERING PLANTS AND SHRUBS OR PLANTS
OF SCENIC VALUE ALONG PUBLIC ROADS, IN PLAZAS, PARKS, SCHOOL PREMISES
OR IN ANY OTHER PUBLIC GROUND

SECTION 1. In order to promote and conserve the beauty of objects of scenic and ornamental value along public places and help preserve cool, fresh and healthful climate, it is the policy of the government to cherish, protect and conserve planted or growing trees, flowering plants and shrubs or plants of ornamental value along public roads, in plazas, parks, school premises or in any public ground.

SEC. 2. For the purpose of carrying out effectively the provisions of this Act, the Director of Parks and Wildlife shall have the power to create a committee in each and every municipality in the Philippines and shall appoint any civic conscious and well-travelled citizen as chairman, and the municipal mayor, the municipal treasurer, the supervising school teacher, and the municipal health officer, as ex officio members thereof. The Director of Parks and Wildlife shall also have the power to issue and promulgate rules and regulations as may be necessary in carrying out the provisions of this Act.

The Chairman shall receive compensation of One Peso per annum to be paid out of the funds of the city or municipality concerned, and the members shall not receive extra compensation. The committee shall have the power to implement the rules and regulations issued by the Director of Parks and Wildlife under the provisions of this Act.

The committee shall coordinate with the Director of Parks and Wildlife in the beautification of their respective locality and shall under its supervision, require school children on Arbor Day to plant trees and flowering plants of useful and scenic value in places provided for in the preceding paragraph.

SEC. 3. No cutting, destroying, or injuring of planted or growing trees, flowering plants and shrubs or plants of scenic value along public roads, in plazas parks, school premises or in any other public ground shall be permitted save when the cutting, destroying, or injuring of same is necessary for public safety, or such pruning of same is necessary to enhance its beauty and only upon the recommendation of the committee mentioned in the preceding section, and upon the approval of the Director of Parks and Wildlife. The cutting, destroying, or pruning shall be under the supervision of the committee.

SEC. 4. Any person who shall cut, destroy or injure trees, flowering plants and shrubs or plants of scenic value mentioned in the preceding sections of this Act, shall be punished by *prision correccional* in its minimum period to *prision mayor* in its minimum period.

SEC. 5. All laws, acts, parts of acts, executive orders, and administrative orders or regulations inconsistent with the provisions of this Act, are hereby repealed.

SEC. 6. This Act shall take effect upon its approval.

Approved: June 21, 1963.

REPUBLIC ACT No. 4850
**AN ACT CREATING THE LAGUNA LAKE DEVELOPMENT AUTHORITY, PRESCRIBING ITS POWERS,
FUNCTIONS AND DUTIES, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

CHAPTER I

DECLARATION OF POLICY AND CREATION OF AUTHORITY

SECTION 1. Declaration of Policy. – It is hereby declared to be the national policy to promote, and accelerate the development and balanced growth of the Laguna Lake area and the surrounding provinces, cities and towns hereinafter referred to as the region, within the context of the national and regional plans and policies for social and economic development and to carry out the development of the Laguna Lake region, with due regard and adequate provisions for environmental management and control, preservation of the quality of human life and ecological systems, and the prevention of undue ecological disturbances, deterioration and pollution.

SEC. 2. Laguna Lake Development Authority created. – For the purpose of carrying out and effecting the declared policy, as provided for in Section 1 hereof, there is hereby created a body corporate to be known as the Laguna Lake Development Authority, hereinafter referred to as the Authority, which shall be organized within 120 days after the approval of this Act. The Authority shall execute the powers and functions herein vested and conferred upon it in such a manner as will, in its judgment, aid to the fullest possible extent in carrying out the aims and purposes set forth below. This Act may be known as the Laguna Lake Development Authority Act of 1966.

SEC. 3. Location of Principal Office. – The Authority shall maintain its principal office at a convenient place within the region, but it may have branch offices in such other places as are necessary for the proper conduct of its business.

SEC. 4. Special Powers and Functions. – The Authority shall exercise perform the following powers and functions:

- A. To make a comprehensive survey of the physical and natural resources and potentialities of the Laguna Lake region particularly its social and economic conditions, hydrologic characteristics, power potentials, scenic and tourist spots, regional problems, and on the basis thereof, to draft a comprehensive and detailed plan designed to conserve and utilize optimally the resources within the region particularly Laguna de Bay to promote the region’s rapid social and economic development and upon approval by the National Economic and Development Authority (NEDA) Board of such plan, to implement the same including projects in line with said plan: *Provided*, That implementation of all fisheries plans and programs of the Authority shall require prior consensus of the Bureau of Fisheries and Aquatic Resources to ensure that such plans and programs are consistent with the national fisheries plans and programs. For the purpose of said survey, public agencies shall submit and private entities shall provide necessary data except such data, which under existing laws are deemed inviolable.
- B. To provide the machinery for extending the necessary planning, management and technical assistance to prospective and existing investors in the region.
- C. To make recommendation to the proper agencies on the peso or dollar financing, technical support, physical assistance and, generally, the level of priority to be accorded agricultural, industrial and

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commercial projects, soliciting or requiring direct help from or through the government or any of its instrumentalities.

- D. To pass upon and approve or disapprove all plans, programs, and projects proposed by local government offices/agencies within the region, public corporations, and private persons or enterprises where such plans, programs and/or projects are related to those of the Authority for the development of the region as envisioned in this Act. The Authority shall issue the necessary clearance for approved proposed plans, programs, and projects within 30 days from submission thereof unless the proposals are not in consonance with those of the Authority or that those will contribute to the unmanageable pollution of the Laguna Lake waters or will bring about the ecological imbalance of the region: *Provided, further,* That the Authority is hereby empowered to institute necessary legal proceeding against any person who shall commence to implement or continue implementation of any project, plan or program within the Laguna de Bay region without previous clearance from the Authority: *Provided, furthermore,* That any local government office, agency, public corporation, private person, or enterprise whose plans, programs and/or projects have been disapproved by the Authority may appeal the decision of the Authority to the NEDA within 15 days from receipt of such disapproval whose decision on the matter shall be final. Reasonable processing fees as may be fixed by the Authority's Board of Directors shall be collected by the Authority for the processing of such plans, programs and/or projects: *Provided, finally,* That expansion plans shall be considered as new plans subject to review of the Authority and to payment of the processing fees.

The Authority and national and local government offices, agencies and public corporations shall coordinate their plans, programs, projects and licensing procedures with respect to the Laguna Lake region for the purpose of drawing up a Laguna Lake development plan which shall be binding upon all parties concerned upon approval of the NEDA board.

- E. To engage in agriculture, industry, commerce, or other activities within the region which may be necessary or directly contributory to the socio-economic development of the region, and, for this purposes, whether by itself or in cooperation with private persons or entities, to organize, finance, invest in, and operate subsidiary corporations: *Provided,* That the Authority shall engage only, unless public interest requires otherwise, in those activities as are in the nature of new ventures or are clearly beyond the scope, capacity, or interest of private enterprises due to consideration of geography, technical or capital requirements, returns on investment, and risk.
- F. To plan, program finance/or undertake infrastructure projects such as river, flood and tidal control works, waste water and sewerage works, water supply, roads, portworks, irrigation, housing and related works, when so required within the context of its development plans and programs including the readjustment, relocation or settlement of population within the region as may be necessary and beneficial by the Authority: *Provided,* That should any project be financed wholly or in part by the Authority, it is hereby authorized to collect reasonable fees and tolls as may be fixed by its Board of Directors subject to the approval of the NEDA Board from users and/or beneficiaries thereof to recover costs of construction, operation and maintenance of the projects: *Provided, further,* That if the Authority should find it necessary to undertake such infrastructure projects which are classified, as social overhead capital projects as determined by the NEDA, the Authority shall be authorized to receive financial assistance from the government in such amount as may be necessary to carry out the said projects subject to such terms and condition that may be imposed by the government, upon recommendation of the NEDA Board: *Provided, finally,* That such amount as may be necessary for the purpose is hereby authorized to be appropriated out of the funds of the National Treasury not otherwise appropriated.

- G. To make an annual report to the stockholders regarding the operation of the Authority more particularly a statement of its financial conditions, activities undertaken, progress of projects and programs and plans of actions for the incoming years: *Provided, however,* That a majority of the stockholders may require the Authority to submit report or reports other than the annual report herein required, which report must be submitted within a period of 30 days from notice thereof.
- H. To lend or facilitate the extension of financial assistance and/or act as surety or guarantor to worthwhile agricultural, industrial and commercial enterprises.
- I. To reclaim or cause to be reclaimed portions of the Lake or undertake reclamation projects and/or acquire such bodies of land from the lake which may be necessary to accomplish the aims and purposes of the Authority subject to the approval of the NEDA Board: *Provided,* That the land so reclaimed shall be the property of the Authority and title thereto shall be vested in the Authority: *Provided, further,* That the resulting lake shore shall continue to be owned by the national government.
- J. The provisions of existing laws to the contrary notwithstanding, to engage in fish production and other aqua-culture projects in Laguna de Bay and other bodies of water within its jurisdiction and in pursuance thereof to conduct studies and make experiments, whenever necessary, with the collaboration and assistance of the Bureau of Fisheries and Aquatic Resources, with the end in view of improving present techniques and practice. *Provided,* That until modified, altered or amended by the procedure provided in the following subparagraph, the present laws, rules and permits or authorizations remain in force.
- K. For the purpose of effectively regulating and monitoring activities in Laguna de Bay, the Authority shall have exclusive jurisdiction to issue new permit for the use of the lake waters for any projects or activities in or affecting the said lake including navigation, construction, and operation of fishpens, fish enclosures, fish corrals and the like, and to impose necessary safeguards for lake quality control and management and to collect necessary fees for said activities and projects: *Provided,* That the fees collected for fisheries may be shared between the Authority and other government agencies and political sub-divisions in such proportion as may be determined by the President of the Philippine upon recommendation of the Authority's Board: *Provided, further,* That the Authority's Board may determine new areas of fisheries development or activities which it may place under the supervision of the Bureau of Fisheries and Aquatic taking into account the overall development plans and programs for Laguna de Bay and related bodies of water: *Provided, finally,* That the Authority shall subject to the approval of the President of the Philippines who promulgate such rules and regulations which shall govern fisheries development activities in Laguna de Bay which shall take into consideration among others the following: socioeconomic amelioration of bonafide resident fisherman whether individually or collectively in the form of cooperatives, lakeshore town development, a master plan for fishpen construction and operation, communal fishing ground for lakeshore town residents, and preference to lakeshore town residents in hiring laborers for fishery projects.
- L. To require the cities and municipalities embraced within the region to pass appropriate zoning ordinances and other regulatory measures necessary to carry out the objectives of the Authority and enforce the same with the assistance of the Authority.
- M. The provisions of existing laws to the contrary notwithstanding, to exercise water rights over public waters within the Laguna de Bay region whenever necessary to carry out the Authority's projects.
- N. To act in coordination with existing governmental agencies in establishing water quality standards for industrial, agricultural and municipal waste discharges into the lake and to cooperate with said

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existing agencies of the government of the Philippines in enforcing such standards, or to separately pursue enforcement and penalty actions as provided for in Section 4(d) and Section 39-A of this Act: *Provided*, That in case of conflict on the appropriate water quality standard to be enforced, such conflicts shall be resolved thru the NEDA Board;

- (o) To develop water supply from ground and/or lake water resources for municipal, agricultural and industrial usages, in coordination with the National Water Resources Council created by Presidential Decree No. 424 dated March 28, 1974 or its successors in interests, and to enter into agreements with municipalities, governmental agencies and corporations and the private sector to supply, distribute and market such water;
- (p) Undertake studies on the improvement and maintenance of the desirable lake water quality of Laguna de Bay, and in pursuance thereof, prepare a water quality management program on a continuing basis, subject to the approval of the NEDA, which the Authority shall carry out with the assistance and support of all national and local government units involved in water quality management.

SEC. 4-A. Compensation for damages to the water and aquatic resources of Laguna de Bay and its tributaries resulting from failure to meet established water and effluent quality standards or from such other wrongful act or omission of a person, private or public, juridical or otherwise, punishable under the law shall be awarded to the Authority to be earmarked for water quality control and management.

SEC. 4-B. The Authority is hereby empowered to collect annual fees as provided for in Sec. 4-J herein, for the use of the lake waters and its tributaries for all beneficial purposes including recreation, municipal, industrial, agricultural, fisheries, navigation and waste disposal purposes. All the fees so collected shall be used for the management and development of the lake and its watershed areas: *Provided*, That the rates of the fees to be collected shall be subject to the approval of the President of the Philippines.

CHAPTER II

CORPORATE POWERS

SEC. 5. *The Powers of the Authority.* The Authority shall have the following powers and functions:

- a) To succeed on its corporate name;
- b) To sue and be sued in such corporate name;
- c) To adopt, alter and use a corporate seal;
- d) To adopt, amend, and repeals its bylaws;
- e) To enter into contracts of any kind and description, to enable it to carry out its purposes and functions under this Act;
- f) To acquire, buy, purchase, hold or lease, such personal and real property as it deems necessary or convenient in the transaction of its business and/or in relation with carrying out its purposes under this Act; and to lease, mortgage, sell, alienate, or otherwise encumber, utilize, exploit or dispose any such personal and real property held by it, subject to prior or existing individual or communal right of private parties or of the government or any agency or enterprise thereof;

- g) To exercise the right of eminent domain whenever the Authority deems it necessary for the attainment of the objectives of the Authority under this Act;
- h) To borrow funds from any local or foreign financial institutions independent of the bonds it may issue or may continue to issue, to carry out the purposes of this Authority under this Act;
- i) To purchase, hold, alienate, mortgage, pledge or otherwise dispose of the shares of the capital stock of, or any bond, securities, or other evidence of indebtedness created by any other corporation, co-partnership, or government agencies or instrumentalities; and with the owner of said stock to exercise all the rights or ownership, including the right to vote thereon: *Provided*, That the Authority shall not invest its funds in any highly risky debt instruments issued without recourse to commercial banks or investment houses as well as in any highly speculative stocks;
- j) For carrying on its business, or for the purpose of attaining or furthering any of its objectives, to perform any and all acts which a corporation, co-partnership, or natural person is authorized to perform under the laws now existing or which may be enacted hereafter;
- k) To issue such rules and regulations as may be necessary to effectively carry out the powers and purposes herein provided including the plans, programs and projects of the Authority, subject to the approval of the NEDA, the same to take effect 30 days after publication thereof, in a newspaper of general circulation.

SEC. 6. Capitalization and Financing. – The Authority shall have an authorized capital of One Hundred Million Pesos (P1 million) of which the amount of Fifty-One Million Pesos (P51 million) shall be subscribed by the national government and Forty-Nine Million Pesos (P49 million) shall be subscribed by cities, provinces, municipalities, government corporations and private investors: *Provided*, That at least 25 percent of the national government’s subscription shall be fully paid: *Provided, further*, That the authorized capital stock may be increased upon the recommendation of NEDA.

The authorized capital stock of One Hundred Million pesos (P100 million) shall be divided into one million shares of stock with a par value of One Hundred Pesos (P100) per share.

The shares of stock of the Authority shall be divided into (1) 700,000 common shares (voting) and (2) 300,000 preferred shares (non-voting) with such fixed rates of return as shall be determined by the Board. Of the common shares of 700,000 a minimum of 400,000 shares shall be subscribed by the national government and at least 60 percent of the balance shall be subscribed by the Provinces of Laguna and Rizal in such proportion as may be agreed upon by both provincial governments in accordance with their respective capacities. The remaining balance of the common shares shall be open for subscription to cities, provinces, municipalities and private investors.

Of the preferred shares of stock of 300,000, a minimum of 110,000 shares shall be subscribed by the national government. The balance of the preferred shares shall be available for subscription to cities, provinces, municipalities, government corporations, and private investors: *Provided, however*, That preferred shares shall enjoy preference with respect to distribution of dividends and assets in case of dissolution.

SEC. 7. Powers of Municipal Corporations to Subscribe. – For purposes of attaining the purposes of this Authority, municipalities, cities and provinces are hereby authorized to subscribe, own, buy and hold shares of stock of this Authority.

SEC. 8. Operating Expenses. – For the operating expenses of the Authority, the sum of One Million Pesos (P1 million) is hereby appropriated annually for five years from the general fund of the National Government not otherwise appropriated from the date of approval of this Decree.

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The Board of Directors may appropriate out of the funds of the Authority such sums as may be needed or necessary for its operating expenses.

SEC. 9. Power to Incur Debts and to Issue Bonds. – Whenever the Board of Directors may deem it necessary for the Authority to incur an indebtedness or to issue bonds to carry out the provisions of this Act, it shall by resolution so declare and state the purpose for which the proposed debt is to be incurred. The resolution shall be confirmed by the affirmative vote of the stockholders representing a majority of the subscribed capital stock outstanding and entitled to vote.

The Authority shall submit to the NEDA Board and the Monetary Board of the Central Bank for approval, its proposal to incur indebtedness or to issue bonds. This shall be considered authorized upon approval of the President of the Philippines.

SEC. 10. Bond Limit. – The bonds shall be issued in such amounts as will be needed at any one time, taking into account the rate at which said bonds may be absorbed by the buying public and the fund requirements of projects ready for execution, and considering further a proper balanced productive and non-productive projects so that inflation shall be held to the minimum.

SEC. 11. Form, rates of interest, etc. of bonds. – The Board of Directors, shall prescribe the form, the rates of interest, the denominations, maturities, negotiability, convertibility, call and redemption features, and all other terms and conditions of issuance, placement, sale, servicing, redemption, and payment of all bonds issued by the Authority under this Act.

The bonds issued by virtue of this Act may be made payable both as to principal and interest in Philippine currency or any readily convertible foreign currency; said bonds shall be receivable as security in any transaction with the government in which such security is required.

SEC. 12. Exemption from Tax. – The Authority shall be exempt from all taxes, licenses, fees, and duties, incidental to its operations. This exemption shall extend to its subsidiary corporation: *Provided*, That its subsidiary corporations shall be subject to all said taxes, licenses, fees, and duties five years after their establishment under a graduated scale as follows: 20 percent of all said taxes during the sixth year, 40 percent of all said taxes during the seventh year, 60 percent of all said taxes during the eighth year, 80 percent of all said taxes during the ninth year, and 100 percent of all taxes during the 10th year, after said establishment. Such examination shall include any tax or fee imposed by the government on the sale, purchase or transfer of foreign exchange. All notes, bonds, debentures and other obligations issued by the Authority shall be exempt from all taxes both as to principal and interest, except inheritance and gift taxes.

SEC. 13. Sinking Fund. – A sinking fund shall be established in such manner that the total annual contribution thereto accrued at such rate of interest as may be determined by the Board of Directors as confirmed by the stockholders representing a majority of the subscribed capital stock outstanding and entitled to vote, shall be sufficient to redeem at maturity the bonds issued under this Act.

Such funds shall be under the custody of the treasurer of the Authority who shall invest the same in such manner as the Board of Directors may direct; charge all expenses of investment to said sinking fund, and credit the same with the interest on investment and other income belonging to it.

SEC. 14. Guarantee by the Government. – The Republic of the Philippines hereby guarantees the payment by the Authority of both the principal and the interest of the bonds, debentures, collaterals, notes or such other obligations issued by the Authority by virtue of this Act, and shall pay such principal and interest in the event that the Authority fails to do so. In case the Authority shall be unable to pay the

said principal and interest, the Secretary of Finance shall pay the amount thereof which is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, and thereupon, to the extent of the amounts so paid, the Government of the Republic of the Philippine shall succeed to all rights of the holders of such bonds, debentures, collaterals, notes or other obligations, unless the sum so paid by the Republic of the Philippines shall be refunded by the Authority within a reasonable time.

CHAPTER III

MANAGEMENT AND PERSONNEL

SECTION. 15. *Incorporation.* – The members of the first Board of Directors shall be elected by the stockholders and the incorporation shall be held to have been effected from the date of the first meeting of such Board.

SEC. 16. *Board of Directors: Composition.* – The corporate powers shall be vested in and exercised by a Board of Directors, hereinafter referred to as the Board, which shall be composed of eight members, to wit: the Executive Secretary; the Secretary of Economic Planning; the Secretary of Natural Resources; the Secretary of Industry, a representative of Laguna Province, who shall be designated by the Provincial Board of Laguna; a representative of Rizal Province to be designated by its Provincial Board; the General Manager of the Authority to be appointed by the President of the Philippines; and a representative of the private investors, likewise to be appointed by the President of the Philippines from among a list of recommendees to be submitted by the private investors: *Provided*, That the incumbent representative of the private investors shall continue as member until the President appoints his successor. The Board of Directors shall elect annually from among their members a Chairman and a Vice Chairman. There shall be a Corporate Secretary who shall be appointed the Board.

The officials next in rank to the abovementioned member shall serve as permanent alternate members and shall attend meetings of the Board in the absence of their principals and receive the corresponding per diems.

SEC. 17. *Acting Chairman.* – In case of vacancy in the position of Chairman, or in the absence of or temporary incapacity of the Chairman, the Vice Chairman shall act as such until a new Chairman is duly elected by the Board.

SEC. 18. Repealed by PD 813, Section 19, promulgated on October 17, 1975.

SEC. 19. Repealed by PD 813, Section 19, promulgated on October 17, 1975.

SEC. 20. *Effect of vacancies; quorum.* – Vacancies in the Board as long as there shall be four members in office, shall not impair the powers of the Board to execute the functions of the Authority. The affirmative vote of four members of the Board shall be necessary at all times to pass or approve any act or resolution.

SEC. 21. *Qualifications of Directors.* – All members of the Board shall be citizens and residents of the Philippines. They shall have demonstrated executive competence and experience in the field of public administration, economic planning, resource management, or in the establishment and management of large agricultural, industrial or commercial enterprises. No person shall be nominated as member of the Board unless he be of unquestioned integrity and competence.

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SEC. 22. Prohibition against "Conflict of Interest." – No member of the Board shall be financially interested, directly or indirectly, in any contract entered into by the Authority or in any special privileges granted by the Authority during his term of office. All contracts entered into in violation of this provision shall automatically be null and void. Any member of the Board found violating the provisions of this Section by two-thirds vote of the Board shall automatically be disqualified from serving his unexpired term, and he shall furthermore be perpetually disqualified for membership in the said Board.

SEC. 23. Removal, Courtesy Resignation. – A member of the Board may be removed from office by a vote of the stockholders holding or representing three-fourths of the subscribed capital stock outstanding and entitled to vote. No member of the Board shall be required to submit a courtesy resignation at any time during his term of office.

SEC. 24. Board Meetings. – The Board shall meet at least once a month. The Board shall be convoked by the Chairman or upon written request signed by a majority of the members.

SEC. 25. Per Diems and Allowances. – The members of the Board shall receive for every meeting attended a per diem to be determined by the Board: *Provided*, That in no case will the total amount received by each exceed the sum of One Thousand Pesos (P1,000) for any one month. Members of the Board shall be entitled to commutable transportation and representation allowances in the performance of official functions for the Authority as authorized by the Board, the aggregate amount of which shall not exceed One Thousand Pesos (P1,000) for any one month.

SEC. 25-A. Powers and Functions of the Board of Directors.

- a. To formulate, prescribe, amend and repeal rules and regulations to govern the conduct of business of the Authority;
- b. To appoint and fix the compensation of all officials from division heads and above, and others of comparable rank including the Assistant General Manager upon the recommendation of the General Manager;
- c. By a majority vote of all members of the Board, to suspend, remove or otherwise discipline for just cause all officials appointed by the Board;
- d. To approve the annual and/or supplemental budgets of the Authority; and
- e. To do such other acts and perform such other functions as may be necessary to carry out the provisions of this Charter.

SEC. 26. Powers and Functions of the General Manager. – The General Manager shall be the chief executive of the Authority. As such, he shall have the following powers and duties:

- a. Submit for consideration of the Board the policies and measures which he believes to be necessary to carry out the purposes and provisions of this Act;
- b. Execute and administer the policies, plans, programs and projects approved by the Board;
- c. Direct and supervise the operation and internal administration of the Authority. The General Manager may delegate certain of his administrative responsibilities to other officers of the Authority subject to the rules and regulations of the Board;
- d. Appoint officials and employees below the rank of division heads to positions in the approved budget upon written recommendation of the division head concerned using as guide the standard set forth in the Authority's merit system;

- e. Submit quarterly reports to the Board on personnel selection, placement and training;
- f. Submit to the NEDA an annual report and such other reports as may be required, including the details of the annual and supplemental budgets of the Authority, and
- g. Perform such other functions as may be provided by law.

SEC. 27. Repealed by PD No. 813, Section 18, promulgated on October 17, 1975.

SEC. 28. Repealed by PD No. 813, Section 19, promulgated on October 17, 1975.

Sec. 29. Compensation. – The General Manager shall receive a compensation of at least Thirty-Six Thousand Pesos (P36,000) *per annum* which shall be charged against the annual appropriation of the Authority for operating expenses. The Board of Directors may provide per diems and allowances for the General Manager.

SEC. 30. Residence. – The General Manager shall establish his residence within the region. The General Manager shall not, during his term of office, engage in any business or profession or calling other than those connected in the performance of his official duties as General Manager of the Authority.

SEC. 31. Activities of the Authority: Key Officials. – In carrying out the activities of the Authority, the General Manager shall be assisted by an Assistant General Manager who shall have such powers, duties, and functions that may be delegated to him by the General Manager, and shall act as General Manager in the absence of or during the temporary incapacity of and/or until such time as a new General Manager is duly appointed.

The Authority shall have the following divisions under the direct supervision and control of the General Manager:

- a. An Administrative Division which shall be responsible for providing services relating to personnel, training, information, records, supplies general services, equipment and security;
- b. A Legal Division, to be headed by a Legal Counsel who shall represent the Authority in legal actions and proceedings. This division shall be responsible for providing staff advice and assistance on legal matters;
- c. A Finance Division which shall be responsible for providing staff advice and assistance on budgetary and financial matters, and safekeeping of corporate assets;
- d. A Project Management Division which shall be responsible for the operation of approved projects, project evaluation and management improvement matters;
- e. A Planning and Project Development Division which shall be responsible for providing services relating to planning, programming, statistics and project development; and
- f. An Engineering and Construction Division which shall be responsible for providing services relating to detailed engineering plans and the construction and maintenance of project facilities.

The business and activities of each of these divisions shall be directed by an officer to be known as its division head.

The Board may create such other divisions and positions as may be deemed necessary for the efficient, economical and effective conduct of the activities of the Authority.

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SEC. 32. Merit and Compensation System. – All officials, agents and employees of the Authority shall be selected and appointed on the basis of merit and fitness in accordance with a comprehensive and progressive merit system to be established by the Authority. The recruitment, transfer, promotion and dismissal of all personnel of the authority, including temporary workers, shall be governed by such merit system: *Provided*, That the regular professional and technical personnel of the Authority shall be exempt from the coverage of the classification and compensation plans of the WAPCO and Civil Service rules and regulations: *Provided, however*, That such personnel shall be permanent in status and shall be entitled to the benefits and privileges normally accorded to government employees, such as retirement, GSIS insurance, leave and similar matters: *Provided, further*, That the Director General of the NEDA shall review and recommend the approval of the staffing pattern for professional and technical personnel of the Authority including modifications thereof as may be necessary for five years from the date of approval of this Decree.

SEC. 33. Repealed by PD No. 813, Section 23, promulgated on October 17, 1975.

SEC. 34. Repealed by PD No. 813, Section 24, promulgated on October 17, 1975.

SEC. 34-A. Supervision by the NEDA. – The Authority shall be directly under the NEDA for policy and program integration.

SEC. 34-B. Submission of Financial Statement to NEDA. – The Authority shall submit audited financial statements to NEDA within 60 days after the close of the fiscal year, and it shall continue to operate on the basis of not more than the preceding year's budget until the said financial statements shall have been submitted.

SEC. 34-C. Management Audit by the NEDA. – The NEDA, may, at its own instance, initiate a management audit of the Authority when there is a reasonable ground to believe that the affairs of the Authority have been mismanaged. Should such audit indicate mismanagement, the NEDA shall take such appropriate measures as may be required by circumstances.

SEC. 35. Minimum Wage. – All contracts entered into by the Authority which require the employment of persons shall contain provision that not less than the minimum wage fixed by law shall be paid to such persons so employed.

SEC. 36. Plans to be Formulated within One Year. – Upon its organization, the Board of Directors shall formulate and report to the stockholders with the utmost expeditious manner, but in no case longer than one year, its plans and recommendations for the accelerated and balanced development of the region in accordance with the aims and purposes of this Act.

SEC. 37. Supplies and Services Other than Personnel. – All purchases of supplies or contracts for services, except for personnel services, entered into by the Authority shall be done only after the proper bidding is held. Bidding shall not be required when: (1) the amount involved is Five Thousand Pesos (P5,000) or less; (2) an emergency, as certified to by the General Manager, requires immediate delivery of the supplies or performance of the services: *Provided*, That in comparing bids and making awards, the Authority shall consider such factors as the cost and relative quality and adaptability of supplies or services; the bidders' financial responsibility, skill, experience, integrity, and ability to furnish repairs and maintenance services; the time of delivery or performance offered; and the compliance with the specifications desired.

SEC. 38. Auditing. – The Board of Directors shall provide and appoint an auditor who shall formulate an auditing system for the Authority. The auditor shall make a semestral and/or annual report covering the financial conditions and operation of the Authority to the Board. These auditing reports shall contain a statement of the resources and liabilities, including earnings and expenses, the amount of paid-up capital stock, surplus, reserves, and profits, as well as losses, bad debts and such other facts which, under auditing rules and regulations, are considered necessary to accurately describe the financial conditions and operation of the Authority. The auditor shall report and directly responsible to the Board.

SEC. 39. Repealed by PD No. 813, Section 26, promulgated on October 17, 1975.

SEC. 39-A. Penal and Civil Liability Clause. – Any person, natural or juridical, who shall violate any of the provisions of this Act or any rules or regulation promulgated by the Authority pursuant thereto shall be liable to imprisonment of not exceeding three years or to a fine not exceeding Five Thousand Pesos or both at the discretion of the Court.

If the violator be a corporation, partnership or association, the officer or officers of the organization concerned shall be liable therefor.

The Authority is hereby authorized to pursue separate civil actions for damages resulting from infractions of the provisions of this Act, rules or regulations issued pursuant thereto and/or conditions embodied in the clearances or permits issued by the Authority.

SEC. 40. Separability Clause. – The provisions of this Act are hereby declared to be separable, and in the event any one or more such provisions are held unconstitutional, they shall not affect the validity of other provisions.

SEC. 40-A. Transitory Provision. – When the Regional Development Council for the region becomes operational, the socioeconomic planning functions as envisioned under this Charter shall be assumed by the aforementioned Regional Development Council in accordance with the provisions of the Integrated Reorganization Plan, as amended. All incumbent officials and employees shall continue in office and those qualified shall have preference in filling up new positions that may be created as a consequence of this Decree.

SEC. 41. Definition of Terms.

- 1) *Act.* – Whenever used in this Act, shall refer to the enabling Act creating the Laguna Lake Development Authority;
- 2) *Authority.* – Whenever cited in this Act shall mean the Laguna Lake Development Authority;
- 3) *Board.* – The word Board shall always refer to the Board of Directors of the Laguna Lake Development Authority;
- 4) *Region.* – The word Region in this connection means the Laguna Lake area proper comprising the provinces of Rizal and Laguna and the cities of San Pablo, Manila, Pasay, Quezon and Calocan;
- 5) *Government instrumentalities or agencies or entities.* – Whenever used in this Act shall mean instruments of the national or local governments vested with powers to accomplish a definite government aim or purpose;
- 6) *Municipal Corporation.* – Whenever used in this Act shall mean one that is organized for political purposes with political powers exercised for the good of the public, subject to legislative control and with officers of the government as its members to administer or discharge public duties;

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- 7) *Government Corporation.* – Whenever used shall refer to corporations engaged in performing functions impressed with public interest;
- 8) *Investor.* – With regards to this Act, investors shall include public and private investors whether foreign or local;
- 9) *External Auditor.* – Shall mean a firm or a person hired outside the Authority or agency to audit the books of accounts of another corporation or agency; examine financial records, prepare audit reports on findings in the operation of the agency; review the statement on the performance report of the Authority;
- 10) *Subsidiary Corporation.* – A corporation that is organized or a corporation already in existence wherein at least fifty-one per cent of its shares of stock are owned or controlled by the organizing or subscribing Authority, in this case, the Laguna Lake Development Authority, to carry out or accomplish its purposes;
- 11) *Laguna Lake or Lake.* – Whenever Laguna Lake or lake is used in this Act, the same shall refer to Laguna de Bay which is that area covered by the lake water when it is at the average annual maximum lake level of elevation 12.50 meters, as referred to a datum 10 meters below mean lower low water (M.L.L.W.). Lands located at and below such elevation are public lands which form part of the bed of said lake.

SEC. 42. Laws repealed. – All acts, charters, executive orders, administrative orders, proclamations, rules and regulations, or parts thereof in conflict with this Act are hereby repealed or modified accordingly.

SEC. 43. Effectivity. – This Act shall take effect upon its approval.

Approved: July 18, 1966.

REPUBLIC ACT NO. 6969
AN ACT TO CONTROL TOXIC SUBSTANCES AND HAZARDOUS AND NUCLEAR WASTES
PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the “*Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990.*”

SEC. 2. Declaration of Policy. – It is the policy of the State to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their disposal into the Philippine territorial limits for whatever purpose; and to provide advancement and facilitate research and studies on toxic chemicals.

SEC. 3. Scope. – This Act shall cover the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of all unregulated chemical substances and mixtures in the Philippines, including the entry, even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

SEC. 4. Objectives. – The objectives of this Act are:

- a. To keep an inventory of chemicals that are presently being imported, manufactured, or used, indicating among others, their existing and possible uses, test data, names of firms manufacturing or using them, and such other information as may be considered relevant to the protection of health and the environment;
- b. To monitor and regulate the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk or injury to health or to the environment in accordance with national policies and international commitments;
- c. To inform and educate the populace regarding the hazards and risks attendant to the manufacture, handling, storage, transportation, processing, distribution, use and disposal of toxic chemicals and other substances and mixtures; and
- d. To prevent the entry, even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

SEC. 5. Definition. – As used in this Act:

- a. *Chemical substance* means any organic or inorganic substance of a particular molecular identity, including:
 1. Any combination of such substances occurring in whole or in part as a result of chemical reaction or occurring in nature; and
 2. Any element of uncombined chemical.
- b. *Chemical mixture* means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction, if none of

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the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined. This shall include nonbiodegradable mixtures.

- c. *Process* means the preparation of a chemical substance or mixture after its manufacture for commercial distribution:
 - 1. In the same form or physical state or in a different form or physical state from that which it was received by the person so preparing such substance or mixture; or
 - 2. As part of an article containing a chemical substance or mixture.
- d. *Importation* means the entry of a product or substance into the Philippines (through the seaports or airports of entry) after having been properly cleared through or still remaining under customs control, the product or substance of which is intended for direct consumption, merchandising, warehousing, or for further processing.
- e. *Manufacture* means the mechanical or chemical transformation of substances into new products whether work is performed by power-driven machines or by hand, whether it is done in a factory or in the worker's home and whether the products are sold at wholesale or retail.
- f. *Unreasonable risk* means expected frequency of undesirable effects or adverse responses arising from a given exposure to a substance.
- g. *Hazardous substances* are substances which present either:
 - 1. short-term acute hazards, such as acute toxicity by ingestion, inhalation or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire or explosion; or
 - 2. long-term environmental hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some cases result from acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors.
- h. *Hazardous wastes* are hereby defined as substances that are without any safe commercial, industrial, agricultural or economic usage and are shipped, transported or brought from the country of origin for dumping or disposal into or in transit through any part of the territory of the Philippines.

Hazardous wastes shall also refer to by-products, side-products, process residues, spent reaction media, contaminated plant or equipment or other substances from manufacturing operations, and as consumer discards of manufactured products.
- i. *Nuclear wastes* are hazardous wastes made radioactive by exposure to the radiation incidental to the production or utilization of nuclear fuels but does not include nuclear fuel, or radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial, or industrial purpose.

Sec. 6. Functions, Powers and Responsibilities of the Department of Environment and Natural Resources.

– The Department of Environment and Natural Resources shall be the implementing agency tasked with the following functions, powers, and responsibilities:

- a. To keep an updated inventory of chemicals that are presently being manufactured or used, indicating among others, their existing and possible uses, quantity, test data, names of firms manufacturing

or using them, and such other information as the Secretary may consider relevant to the protection of health and the environment;

- b. To require chemical substances and mixtures that present unreasonable risk or injury to health or to the environment to be tested before they are manufactured or imported for the first time;
- c. To require chemical substances and mixtures which are presently being manufactured or processed to be tested if there is a reason to believe that they pose unreasonable risk or injury to health or the environment;
- d. To evaluate the characteristics of chemicals that have been tested to determine their toxicity and the extent of their effects on health and the environment;
- e. To enter into contracts and make grants for research, development, and monitoring of chemical substances and mixtures;
- f. To conduct inspection of any establishment in which chemicals are manufactured, processed, stored or held before or after the commercial distribution and to make recommendations to the proper authorities concerned;
- g. To confiscate or impound chemicals found not falling within the standard set by the rules and regulations and the said acts cannot be enjoined except after the chemicals have been impounded;
- h. To monitor and prevent the entry, even in transit, of hazardous and nuclear wastes and their disposal into the country;
- i. To *subpoena* witnesses and documents and to require other information if necessary to carry out the provisions of this Act;
- j. To call on any department, bureau, office, agency, state university or college, and other instrumentalities of the Government for assistance in the form of personnel, facilities, and other resources as the need arises in the discharge of its functions;
- k. To disseminate information and conduct educational awareness campaign on the effects of chemical substances, mixtures and wastes on health and environment; and
- l. To exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under this Act.

SEC. 7. Inter-Agency Technical Advisory Council. – There is hereby created an Inter-Agency Technical Advisory Council attached to the Department of Environment and Natural Resources which shall be composed of the following officials or their duly authorized representatives:

Secretary of Environment and Natural Resources	Chairman
Secretary of Health	Member
Director of the Philippine Nuclear Research and Institute	Member
Secretary of Trade and Industry	Member
Secretary of Science and Technology	Member
Secretary of National Defense	Member
Secretary of Foreign Affairs	Member
Secretary of Labor and Employment	Member
Secretary of Finance	Member

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Secretary of Agriculture	Member
Representative from a non-governmental organization on health and safety	Member

The representative from the non-government organization shall be appointed by the President for a term of three years.

The Council shall have the following functions:

- a. To assist the Department of Environment and Natural Resources in the formulation of the pertinent rules and regulations for the effective implementation of this Act;
- b. To assist the Department of Environment and Natural Resources in the preparation and updating of the inventory of chemical substances and mixtures that fall within the coverage of this Act;
- c. To conduct preliminary evaluation of the characteristics of chemical substances and mixtures to determine their toxicity and effects on health and the environment and make the necessary recommendations to the Department of Environment and Natural Resources; and
- d. To perform such other functions as the Secretary of Environment and Natural Resources may, from time to time, require.

SEC. 8. *Pre-Manufacture and Pre-Importation Requirements.* – Before any new chemical substance or mixture can be manufactured, processed or imported for the first time as determined by the Department of Environment and Natural Resources, the manufacturer, processor or importer shall submit the following information: the name of the chemical substance or mixture; its chemical identity and molecular structure; proposed categories of use; an estimate of the amount to be manufactured, processed or imported; processing and disposal thereof; and any test data related to health and environmental effects which the manufacturer, processor or importer has.

SEC. 9. *Chemicals Subject to Testing.* – Testing shall be required in all cases where:

- a. There is a reason to believe that the chemical substance or mixture may present an unreasonable risk to health or the environment or there may be substantial human or environmental exposure thereto;
- b. There are insufficient data and experience for determining or predicting the health and environmental effects of the chemical substance or mixture; and
- c. The testing of the chemical substance or mixture is necessary to develop such data.

The manufacturers, processors or importers shall shoulder the costs of testing the chemical substance or mixture that will be manufactured, processed or imported.

SEC. 10. *Action by the Secretary of Environment and Natural Resources or His Duly Authorized Representative.* – The Secretary of Environment and Natural Resources or his duly authorized representatives shall, within 90 days from the date of filing of the notice of manufacture, processing or importation of a chemical substance or mixture, decide whether or not to regulate or prohibit its importation, manufacture, processing, sale, distribution, use or disposal. The Secretary may, for justifiable reasons, extend the 90-day pre-manufacture period within a reasonable time.

SEC. 11. *Chemical Substances Exempt from Pre-Manufacture Notification.* – The manufacture of the following chemical substances or mixtures shall be exempt from pre -manufacture notification:

- a. Those included in the categories of chemical substances and mixtures already listed in the inventory of existing chemicals,

- b. Those to be produced in small quantities solely for experimental or research and developmental purposes;
- c. Chemical substances and mixtures that will not present an unreasonable risk to health and the environment;
- d. Chemical substances and mixtures that exist temporarily and which have no human or environmental exposure such as those which exist as a result of chemical reactions in the manufacture or processing of a mixture of another chemical substance.

SEC. 12. Public Access to Records, Reports or Notification. – The public shall have access to records, reports or information concerning chemical substances and mixtures including safety data submitted, data on emission or discharge into the environment, and such documents shall be available for inspection or reproduction during normal business hours except that the Department of Environment and Natural Resources may consider a record, report or information or particular portions thereof confidential and may not be made public when such would divulge trade secrets, production or sales figures or methods, production or processes unique to such manufacturer, processor or distributor, or would otherwise tend to affect adversely the competitive position of such manufacturer, processor or distributor. The Department of Environment and Natural Resources, however, may release information subject to claim of confidentiality to a medical research or scientific institution where the information is needed for the purpose of medical diagnosis or treatment of a person exposed to the chemical substance or mixture.

SEC. 13. Prohibited Acts. – The following acts and omissions shall be considered unlawful:

- a. Knowingly use a chemical substance or mixture which is imported, manufactured, processed or distributed in violation of this Act or implementing rules and regulations or orders;
- b. Failure or refusal to submit reports, notices or other information, access to records as required by this Act, or permit inspection of establishment where chemicals are manufactured, processed, stored or otherwise held;
- c. Failure or refusal to comply with the pre-manufacture and pre-importation requirements; and
- d. Cause, aid or facilitate, directly or indirectly, in the storage, importation, or bringing into Philippine territory, including its maritime economic zones, even in transit, either by means of land, air or sea transportation or otherwise keeping in storage any amount of hazardous and nuclear wastes in any part of the Philippines.

Section 14 **Criminal Offenses and Penalties**

- a. 1. The penalty of imprisonment of six months and one day to six years and one day and a fine ranging from Six Hundred Pesos (P600) to Four Thousand Pesos (P4,000) shall be imposed upon any person who shall violate Section 13(a) to (c) of this Act and shall not be covered by the Probation Law. If the offender is a foreigner, he or she shall be deported and barred from any subsequent entry into the Philippines after serving his or her sentence;
- 2. In case any violation of this Act is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who shall consent to or shall knowingly tolerate such violation shall be directly liable and responsible for the act of the employees and shall be criminally liable as a co-principal;

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3. In case the offender is a government official or employee, he or she shall, in addition to the above penalties, be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position.
- b. 1. The penalty of imprisonment of 12 years and one day to 20 years, shall be imposed upon any person who shall violate Section 13(d) of this Act. If the offender is a foreigner, he or she shall be deported and barred from any subsequent entry into the Philippines after serving his or her sentence;
 2. In the case of corporations or other associations, the above penalty shall be imposed upon the managing partner, president or chief executive in addition to an exemplary damage of at least Five Hundred Thousand Pesos (P500,000). If it is a foreign firm, the director and all officers of such foreign firm shall be barred from entry into the Philippines, in addition to the cancellation of its license to do business in the Philippines;
 3. In case the offender is a government official or employee, he or she shall in addition to the above penalties be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position.
- c. Every penalty imposed for the unlawful importation, entry, transport, manufacture, processing, sale or distribution of chemical substances or mixtures into or within the Philippines shall carry with it the confiscation and forfeiture in favor of the Government of the proceeds of the unlawful act and instruments, tools, or other improvements including vehicles, sea vessels, and aircrafts used in or with which the offense was committed. Chemical substances so confiscated and forfeited by the government at its option shall be turned over to the Department of Environment and Natural Resources for safekeeping and proper disposal;
- d. The person or firm responsible or connected with the bringing or importation into the country of hazardous or nuclear wastes shall be under obligation to transport or send back said prohibited wastes;

Any and all means of transportation, including all facilities and appurtenances that may have been used in transporting to or in the storage in the Philippines of any significant amount of hazardous or nuclear wastes shall at the option of the government be forfeited in its favor.

SEC. 15. *Administrative Fines.* – In all cases of violations of this Act, including violations of implementing rules and regulations which have been duly promulgated and published in accordance with Section 16 of this Act, the Secretary of Environment and Natural Resources is hereby authorized to impose a fine of not less than Ten Thousand Pesos (P10,000), but not more than Fifty Thousand Pesos (P50,000) upon any person or entity found guilty thereof. The administrative fines imposed and collected by the Department of Environment and Natural Resources shall accrue to a special fund to be administered by the Department exclusively for projects and research activities relative to toxic substances and mixtures.

SEC. 16. *Promulgation of Rules and Regulations.* – The Department of Environment and Natural Resources, in coordination with the member agencies of the Inter-Agency Technical Advisory Council, shall prepare and publish the rules and regulations implementing this Act within six months from the date of its effectivity.

SEC. 17. *Appropriations.* – Such amounts as may be necessary to implement the provisions of this Act is hereby annually appropriated and included in the budget of the Department of Environment and Natural Resources.

SEC. 18. *Separability Clause.* – If any provision of this Act is declared void or unconstitutional, the remaining provisions thereof not affected thereby shall remain in full force and effect.

SEC. 19. *Repealing Clause.* – All laws, presidential decrees, executive orders and issuances, and rules and regulations which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 20. *Effectivity.* – This Act shall take effect after 15 days following its publication in the Official Gazette or in any newspaper of general circulation.

Approved: October 26, 1990.

REPUBLIC ACT NO. 7076
AN ACT CREATING A PEOPLE'S SMALL-SCALE MINING PROGRAM AND FOR OTHER PURPOSES

SECTION 1. Title. – This Act shall be known as the “*People’s Small-Scale Mining Act of 1991.*”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to promote, develop, protect and rationalize viable small-scale mining activities in order to generate more employment opportunities and provide an equitable sharing of the nation’s wealth and natural resources, giving due regard to existing rights as herein provided.

SEC. 3. Definitions. – For purposes of this Act, the following terms shall be defined as follows:

- (a) *Mineralized areas* refer to areas with naturally occurring mineral deposits of gold, silver, chromite, kaolin, silica, marble, gravel, clay and like mineral resources;
- (b) *Small-scale mining* refers to mining activities which rely heavily on manual labor using simple implement and methods and do not use explosives or heavy mining equipment;
- (c) *Small-scale miners* refer to Filipino citizens who, individually or in the company of other Filipino citizens, voluntarily form a cooperative duly licensed by the Department of Environment and Natural Resources to engage, under the terms and conditions of a contract, in the extraction or removal of minerals or ore-bearing materials from the ground;
- (d) *Small-scale mining contract* refers to co-production, joint venture or mineral production sharing agreement between the State and a small-scale mining contractor for the small-scale utilization of a plot of mineral land;
- (e) *Small-scale mining contractor* refers to an individual or a cooperative of small-scale miners, registered with the Securities and Exchange Commission or other appropriate government agency, which has entered into an agreement with the State for the small-scale utilization of a plot of mineral land within a people’s small-scale mining area;
- (f) *Active mining area* refers to areas under actual exploration, development, exploitation or commercial production as determined by the Secretary after the necessary field investigation or verification including contiguous and geologically related areas belonging to the same claimowner and/or under contract with an operator, but in no case to exceed the maximum area allowed by law;
- (g) *Existing mining right* refers to perfected and subsisting claim, lease, license or permit covering a mineralized area prior to its declaration as a people’s small-scale mining area;
- (h) *Claimowner* refers to a holder of an existing mining right;
- (i) *Processor* refers to a person issued a license to engage in the treatment of minerals or ore-bearing materials such as by gravity concentration, leaching, beneficiation, cyanidation, cutting, sizing, polishing and other similar activities;
- (j) *License* refers to the privilege granted to a person to legitimately pursue his occupation as a small-scale miner or processor under this Act;
- (k) *Mining plan* refers to a two-year program of activities and methodologies employed in the extraction and production of minerals or ore-bearing materials, including the financial plan and other resources in support thereof;

- (l) *Director* refers to the regional executive director of the Department of Environment and Natural Resources; and
- (m) *Secretary* refers to the Secretary of the Department of Environment and Natural Resources.

SEC. 4. People's Small-Scale Mining Program. – For the purpose of carrying out the declared policy provided in Section 2 hereof, there is hereby established a People's Small-Scale Mining Program to be implemented by the Secretary of the Department of Environment and Natural Resources, hereinafter called the Department, in coordination with other concerned government agencies, designed to achieve an orderly, systematic and rational scheme for the small-scale development and utilization of mineral resources in certain mineral areas in order to address the social, economic, technical, and environmental connected with small-scale mining activities.

The People's Small-Scale Mining Program shall include the following features:

- (a) The identification, segregation and reservation of certain mineral lands as people's small-scale mining areas;
- (b) The recognition of prior existing rights and productivity;
- (c) The encouragement of the formation of cooperatives;
- (d) The extension of technical and financial assistance, and other social services;
- (e) The extension of assistance in processing and marketing;
- (f) The generation of ancillary livelihood activities;
- (g) The regulation of the small-scale mining industry with the view to encourage growth and productivity; and
- (h) The efficient collection of government revenue.

SEC. 5. Declaration of People's Small-Scale Mining Areas. – The Board is hereby authorized to declare and set aside people's small-scale mining areas in sites onshore suitable for small-scale mining, subject to review by the Secretary, immediately giving priority to areas already occupied and actively mined by small-scale miners before August 1, 1987: Provided, That such areas are not considered as active mining areas: Provided, further, That the minerals found therein are technically and commercially suitable for small-scale mining activities: Provided, finally, That the areas are not covered by existing forest rights or reservations and have not been declared as tourist or marine reserved, parks and wildlife reservations, unless their status as such is withdrawn by competent authority.

SEC. 6. Future People's Small-Scale Mining Areas. – The following lands, when suitable for small-scale mining, may be declared by the Board as people's small scale mining areas:

- (a) Public lands not subject to any existing right;
- (b) Public lands covered by existing mining rights which are not active mining areas; and
- (c) Private lands, subject to certain rights and conditions, except those with substantial improvements or in bona fide and regular use as a yard, stockyard, garden, plant nursery, plantation, cemetery or burial site, or land situated within 100 meters from such cemetery or burial site, water reservoir or a separate parcel of land with an area of 10,000 square meters or less.

SEC. 7. Ancestral Lands. – No ancestral land may be declared as a people's small-scale mining area without the prior consent of the cultural communities concerned: *Provided*, That, if ancestral lands are

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declared as people's small-scale mining areas, the members of the cultural communities therein shall be given priority in the awarding of small-scale mining contracts.

SEC. 8. Registration of Small-Scale Miners. – All persons undertaking small-scale mining activities shall register as miners with the Board and may organize themselves into cooperatives in order to qualify for the awarding of a people's small-scale mining contract.

SEC. 9. Award of People's Small-Scale Mining Contracts. – A people's small-scale mining contract may be awarded by the Board to small-scale miners who have voluntarily organized and have duly registered with the appropriate government agency as an individual miner or cooperative; *Provided*, That only one people's small-scale mining contract may be awarded at any one time to a small-scale mining operations within one year from the date of award: *Provided*, further, That priority shall be given or city where the small-scale mining area is located.

Applications for a contract shall be subject to a reasonable fee to be paid to the Department of Environment and Natural Resources regional office having jurisdiction over the area.

SEC. 10. Extent of Contract Area. – The Board shall determine the reasonable size and shape of the contract area following the meridional block system established under Presidential Decree No. 463, as amended, otherwise known as the Mineral Resources Development Decree of 1974, but in no case shall the area exceed 20 hectares per contractor and the depth or length of the tunnel or adit not exceeding that recommended by the director taking into account the following circumstances:

- (a) Size of membership and capitalization of the cooperative;
- (b) Size of mineralized area;
- (c) Quantity of mineral deposits;
- (d) Safety of miners;
- (e) Environmental impact and other considerations; and
- (f) Other related circumstances.

SEC. 11. Easement Rights. – Upon the declaration of a people's small-scale mining area, the director, in consultation with the operator, claimowner, landowner or lessor of an affected area, shall determine the right of the small scale miners to existing facilities such as mining and logging roads, private roads, port and communication facilities, processing plants which are necessary for the effective implementation of the People's Small-scale Mining Program, subject to payment of reasonable fees to the operator, claimowner, landowner or lessor.

SEC. 12. Rights Under a People's Small-Scale Mining Contract. – A people's small-scale mining contract entitles the small-scale mining contractor to the right to mine, extract and dispose of mineral ores for commercial purposes. In no case shall a small-scale mining contract be subcontracted, assigned or otherwise transferred.

SEC. 13. Terms and Conditions of the Contract. – A contract shall have a term of two years, renewable subject to verification by the Board for like periods as long as the contractor complies with the provisions set forth in this Act, and confers upon the contractor the right to mine within the contract area: *Provided*, That the holder of a small-scale mining contract shall have the following duties and obligations:

- (a) Undertake mining activities only in accordance with a mining plan duly approved by the Board;

- (b) Abide by the Mines and Geosciences Bureau and the Small-Scale Mining Safety Rules and Regulations;
- (c) Comply with his obligations to the holder of an existing mining right;
- (d) Pay all taxes, royalties or government production share as are now or may hereafter be provided by law;
- (e) Comply with pertinent rules and regulations on environmental protection and conservation, particularly those on tree-cutting mineral-processing and pollution control;
- (f) File under oath at the end of each month a detailed production and financial report to the Board; and
- (g) Assume responsibility for the safety of persons working in the mines.

Sec. 14. Rights of Claimowners. – In case a site declared and set aside as a people’s-scale mining area is covered by an existing mining right, the claimowner and the small-scale miners therein are encouraged to enter into a voluntary and acceptable contractual agreement with respect to the small-scale utilization of the mineral values from the area under claim. In case of disagreement, the claimowner shall be entitled to the following rights and privileges:

- (a) Exemption from the performance of annual work obligations and payment of occupation fees, rental, and real property taxes;
- (b) Subject to the approval of the Board, free access to the contract area to conduct metallurgical tests, explorations and other activities, provided such activities do not unduly interfere with the operations of the small-scale miners; and
- (c) Royalty equivalent to 1 1/2 percent of the gross value of the metallic mineral output or 1 percent of the gross value of the nonmetallic mineral output to be paid to the claimowner: *Provided*, That such rights and privileges shall be available only if he is not delinquent and other performance of his annual work obligations and other requirements for the last two years prior to the effectivity of this Act.

Sec. 15. Rights of Private Landowners. – The private landowner or lawful possessor shall be notified of any plan or petition to declare his land as a people’s small-scale mining area. Said landowner may oppose such plan or petition in an appropriate proceeding and hearing conducted before the Board.

If a private land is declared as a people’s small-scale mining area, the owner and the small-scale mining contractors are encouraged to enter into a voluntary and acceptable contractual agreement for the small-scale utilization of the mineral values from the private land: *Provided*, That the owner shall in all cases be entitled to the payment of actual damages which he may suffer as a result of such declaration: *Provided, further*, That royalties paid to the owner shall in no case exceed 1 percent of the gross value of the minerals recovered as royalty.

Sec. 16. Ownership of Mill Tailings. – The small-scale mining contractor shall be the owner of all mill tailings produced from the contract area. He may sell the tailings or have them processed in any custom mill in the area: *Provided*, That, if the small-scale mining contractor decide to sell its mill tailings, the claimowner shall have a preemptive right to purchase said mill tailings at the prevailing market price.

Sec. 17. Sale of Gold. – All gold produced by small-scale miners in any mineral area shall be sold to the Central Bank, or its duly authorized representatives, which shall buy it at prices competitive with those prevailing in the world market regardless of volume or weight.

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The Central Bank shall establish as many buying stations in gold-rush areas to fully service the requirements of the small-scale minerals thereat.

SEC. 18. Custom Mills. – The establishment and operation of safe and efficient customs mills to process minerals or ore-bearing materials shall be limited to mineral processing zones duly designated by the local government unit concerned upon recommendation of the Board.

In mining areas where the private sector is unable to establish custom mills, the Government shall construct such custom mills upon the recommendation of the Board based on the viability of the project.

The Board shall issue licenses for the operation of custom mills and other processing plants subject to pollution control and safety standards.

The Department shall establish assay laboratories to cross-check the integrity of custom mills and to render metallurgical and laboratory services to mines.

Custom mills shall be constituted as withholding agents for the royalties, production share or other taxes due the Government.

SEC. 19. Government Share and Allotment. – The revenue to be derived by the Government from the operation of the mining program herein established shall be subject to the sharing provided in the Local Government Code.

SEC. 20. People's Small-Scale Mining Protection Fund. – There is hereby created a People's Small-scale Mining Protection Fund which shall be 15 percent of the national government's share due the Government which shall be used primarily for information dissemination and training of small-scale miners on safety, health and environmental protection, and the establishment of mine rescue and recovery teams including the procurement of rescue equipment necessary in cases of emergencies such as landslides, tunnel collapse, or the like.

The fund shall also be made available to address the needs of the small-scale miners brought about by accidents and/or fortuitous events.

SEC. 21. Rescission of Contracts and Administrative Fines. – The noncompliance with the terms and conditions of the contract or violation of the rules and regulations issued by the Secretary pursuant to this Act, as well as the abandonment of the mining site by the contractor, shall constitute a ground for the cancellation of the contracts and the ejection from the people's small-scale mining area of the contractor. In addition, the Secretary may impose fines against the violator in an amount of not less than Twenty Thousand Pesos (P20,000) and not more than One Hundred Thousand Pesos (P100,000). Nonpayment of the fine imposed shall render the small-scale mining contractor ineligible for other small-scale mining contracts.

SEC. 22. Reversion of People's Small-Scale Mining Areas. – The Secretary, upon recommendation of the director, shall withdraw the status of the people's small-scale mining area when it can no longer feasibly operated on a small-scale mining basis or when the safety, health and environmental conditions warrant that the same shall revert to the State for proper disposition.

SEC. 23. Actual Occupation by Small-Scale Miners. – Small-scale miners who have been in actual operation of mineral lands on or before August 1, 1987 as determined by the Board shall not be dispossessed, ejected or removed from said areas: *Provided*, That they comply with the provisions of this Act.

SEC. 24. Provincial/City Mining Regulatory Board. – There is hereby created under the direct supervision and control of the Secretary a provincial/city mining regulatory board, herein called the Board, which shall be the implementing agency of the Department, and shall exercise the following powers and functions, subject to review by the Secretary:

- (a) Declare and segregate existing gold-rush areas for small-scale mining;
- (b) Reserve future gold and other mining areas for small-scale mining;
- (c) Award contracts to small-scale miners;
- (d) Formulate and implement rules and regulations related to small-scale mining;
- (e) Settle disputes, conflicts or litigations over conflicting claims within a people's small-scale mining area, an area that is declared a small-mining; and
- (f) Perform such other functions as may be necessary to achieve the goals and objectives of this Act.

SEC. 25. Composition of the Provincial/City Mining Regulatory Board. – The Board shall be composed of the Department of Environment and Natural Resources representative as Chairman; and the representative of the governor or city mayor, as the representative of the governor or city mayor, as the case may be, one small scale mining representative, one big-scale mining representative, and the representative from a nongovernment organization who shall come from an environmental group, as members.

The representatives from the private sector shall be nominated by their respective organizations and appointed by the Department regional director. The Department shall provide the staff support to the Board.

SEC. 26. Administrative Supervision over the People's Small-Scale Mining Program. – The Secretary through his representative shall exercise direct supervision and control over the program and activities of the small-scale miners within the people's small-scale mining area.

The Secretary shall within 90 days from the effectivity of this Act promulgate rules and regulations to effectively implement the provisions of the same. Priority shall be given to such rules and regulations that will ensure the least disruption in the operations of the small-scale miners.

SEC. 27. Penal Sanctions. – Violations of the provisions of this Act or of the rules and regulations issued pursuant hereto shall be penalized with imprisonment of not less than six months nor more than six years and shall include the confiscation and seizure of equipment, tools and instruments.

SEC. 28. Repealing Clause. – All laws, decrees, letters of instruction, executive orders, rules and regulations, and other issuances, or parts thereof, in conflict or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 29. Separability Clause. – Any section or provision of this Act which may be declared unconstitutional shall not affect the other sections or provisions hereof.

SEC. 30. Effectivity. – This Act shall take effect 15 days after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved: June 27, 1991.

REPUBLIC ACT No. 7586

AN ACT PROVIDING FOR THE ESTABLISHMENT AND MANAGEMENT OF NATIONAL INTEGRATED PROTECTED AREAS SYSTEM, DEFINING ITS SCOPE AND COVERAGE, AND FOR OTHER PURPOSES

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

SECTION 1. Title. – This Act shall be known and referred to as the *National Integrated Protected Areas System Act of 1992*.

SEC. 2. Declaration of Policy. – Cognizant of the profound impact of man’s activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement and recognizing the critical importance of protecting and maintaining the natural biological and physical diversities of the environment notably on areas with biologically unique features to sustain human life and development, as well as plant and animal life, it is hereby declared the policy of the State to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.

It is hereby recognized that these areas, although distinct in features, possess common ecological values that may be incorporated into a holistic plan representative of our natural heritage; that effective administration of these areas is possible only through cooperation among national government, local government and concerned private organizations; that the use and enjoyment of these protected areas must be consistent with the principles of biological diversity and sustainable development.

To this end, there is hereby established a National Integrated Protected Areas System (NIPAS), which shall encompass outstanding remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as “*protected areas*.”

SEC. 3. Categories. – The following categories of protected areas are hereby established:

- a. Strict nature reserve;
- b. Natural park;
- c. Natural monument;
- d. Wildlife sanctuary;
- e. Protected landscapes and seascapes;
- f. Resource reserve;
- g. Natural biotic areas; and,
- h. Other categories established by law, conventions or international agreements which the Philippine Government is a signatory.

SEC. 4. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

- a. *National Integrated Protected Areas Systems (NIPAS)* is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to

preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;

- b. *Protected area* refers 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;
- c. *Buffer zones* are identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 that need special development control in order to avoid or minimize harm to the protected area;
- d. *Indigenous cultural community* refers to a group of people sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who have, since time immemorial, occupied, possessed and utilized a territory;
- e. *National park* refers to a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas;
- f. *Natural monument* is a relatively small area focused on protection of small features to protect or preserve nationally significant natural features on account of their special interest or unique characteristics;
- g. *Natural biotic area* is an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace;
- h. *Natural park* is a relatively large area not materially altered by human activity where extractive resource use are not allowed and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use;
- i. *Protected landscapes/seascapes* are areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas;
- j. *Resource reserve* is an extensive and relatively isolated and uninhabited area normally with difficult access designated as such to protect natural resources of the area for future use and prevent or contain development activities that could affect the resource pending the establishment of objectives which are based upon appropriate knowledge and planning;
- k. *Strict nature reserve* is an area possessing some outstanding ecosystem, features and/or species of flora and fauna of national scientific importance maintained to protect nature and maintain processes in an undisturbed state in order to have ecologically representative examples of the natural environment available for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state;
- l. *Tenured migrant communities* are communities within protected areas which have actually and continuously occupied such areas for five years before the designation of the same as protected areas in accordance with this Act and are solely dependent therein for subsistence; and

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- m. *Wildlife sanctuary* comprises an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for the perpetuation.

SEC. 5. *Establishment and Extent of the System.* – The establishment and operationalization of the System shall involve the following:

- a. All areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascape, as well as identified virgin forests before the effectivity of this Act are hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations, not inconsistent with this Act;
- b. Within one year from the effectivity of this Act, the DENR shall submit to the Senate and the House of Representatives a map and legal description or natural boundaries of each protected area initially comprising the System. Such maps and legal description shall, by virtue of this Act, constitute the official documentary representation of the entire System, subject to such changes as Congress deems necessary;
- c. All DENR records pertaining to said protected areas, including maps and legal descriptions or natural boundaries, copies of rules and regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications shall be made available to the public. These legal documents pertaining to protected areas shall also be available to the public in the respective DENR Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices (CENROs) where NIPAS areas are located;
- d. Within three years from the effectivity of this Act, the DENR shall study and review each area tentatively composing the System as to its suitability or unsuitability for preservation as protected area and inclusion in the System according to the categories established in Section 3 hereof and report its findings to the President as soon as each study is completed. The study must include in each area:
 - 1. A forest occupants survey;
 - 2. An ethnographic study;
 - 3. A protected area resource profile;
 - 4. Land use plans done in coordination with the respective Regional Development Councils; and
 - 5. Such other background studies as will be sufficient bases for selection.

The DENR shall:

- i. Notify the public of the proposed action through publication in a newspaper of general circulation, and such other means as the System deems necessary in the area or areas in the vicinity of the affected land 30 days prior to the public hearing;
- ii. Conduct public hearings at the locations nearest to the area affected;
- iii. At least 30 days prior to the date of hearing, advise all local government units (LGUs) in the affected areas, national agencies concerned, people's organizations and non-government

organizations and invite such officials to submit their views on the proposed action at the hearing not later than 30 days following the date of the hearing; and

- iv. Give due consideration to the recommendations at the public hearing; and provide sufficient explanation for his recommendations contrary to the general sentiments expressed in the public hearing;
- e. Upon receipt of the recommendation of the DENR, the President shall issue a presidential proclamation designating the recommended areas as protected areas and providing for measures for their protection until such time when Congress shall have enacted a law finally declaring such recommended areas as part of the integrated protected area systems; and
- f. Thereafter, the President shall send to the Senate and the House of Representatives his recommendations with respect to the designations as protected areas or reclassification of each area on which review has been completed, together with maps and legal description of boundaries. The President, in his recommendation, may propose the alteration of existing boundaries of any or all proclaimed protected areas, addition of any contiguous area of public land of predominant physical and biological value. Nothing contained herein shall limit the President to propose, as part of his recommendation to Congress, additional areas which have not been designated proclaimed or set aside by law, presidential decree, proclamation or executive order as protected area/s.

SEC. 6. *Additional Areas to be Integrated to the System.* – Notwithstanding the establishment of the initial component of the System, the Secretary shall propose the inclusion in the System of additional areas with outstanding physical features, anthropological significance and biological diversity in accordance with the provisions of Section 5(d).

SEC. 7. *Disestablishment as Protected Area.* – When in the opinion of the DENR a certain protected area should be withdrawn or disestablished, or its boundaries modified as warranted by a study and sanctioned by the majority of the members of the respective boards for the protected area as herein established in Section 11, it shall, in turn, advise Congress. Disestablishment of a protected area under the System or modification of its boundary shall take effect pursuant to an act of Congress. Thereafter, said area shall revert to the category of public forest unless otherwise classified by Congress: *Provided*, however, That after disestablishment by Congress, the Secretary may recommend the transfer of such disestablished area to other government agencies to serve other priority programs of national interest.

SEC. 8. *Buffer Zones.* – For each protected area, there shall be established peripheral buffer zones when necessary, in the same manner as Congress establishes the protected area, to protect the same from activities that will directly and indirectly harm it. Such buffer zones shall be included in the individual protected area management plan that shall be prepared for each protected area. The DENR shall exercise its authority over protected areas as provided in this Act on such area designated as buffer zones.

SEC. 9. *Management Plans.* – There shall be a general management planning strategy to serve as guide in formulating individual plans for each protected area. The management planning strategy shall, at the minimum, promote the adoption and implementation of innovative management techniques including, if necessary, the concept of zoning, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, diversity management, community organizing, socioeconomic and scientific researches, site-specific policy development, pest management, and fire control. The management planning strategy shall also provide guidelines for the protection of indigenous cultural communities, other tenured migrant communities and sites and for close coordination between and among local agencies of the government as well as private sector.

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Each component area of the System shall be planned and administered to further protect and enhance the permanent preservation of its natural conditions. A management manual shall be formulated and developed which must contain the following: an individual management plan prepared by three experts, basic background information, field inventory of the resources within the area, an assessment of assets and limitations, regional interrelationships, particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries of the area, and a design of the management programs.

Sec. 10. Administration and Management of the System. – The National Integrated Protected Area System is hereby placed under the control and administration of the Department of Environment and Natural Resources. For this purpose, there is hereby created a division in the regional offices of the Department to be called the Protected Areas and Wildlife Division in regions where protected areas have been established, which shall be under the supervision of a Regional Technical Director, and shall include subordinate officers, clerks, and employees as may be proposed by the Secretary, duly approved by the Department of Budget and Management, and appropriated for by Congress. The Service thus established shall manage protected areas and promote the permanent preservation, to the greatest extent possible of their natural conditions.

To carry out the mandate of this Act, the Secretary of the DENR is empowered to perform any and all of the following acts:

- a. To conduct studies on various characteristic features and conditions of the different protected areas, using commonalities in their characteristics, classify and define them into categories and prescribe permissible or prohibited human activities in each category in the System;
- b. To adopt and enforce a land-use scheme and zoning plan in adjoining areas for the preservation and control of activities that may threaten the ecological balance in the protected areas;
- c. To cause the preparation of and exercise the power to review all plans and proposals for the management of protected areas;
- d. To promulgate rules and regulations necessary to carry out the provisions of this Act;
- e. To deputize field officers and delegate any of his powers under this Act and other laws to expedite its implementation and enforcement;
- f. To fix and prescribe reasonable NIPAS fees to be collected from government agencies or any person, firm or corporation deriving benefits from the protected areas;
- g. To exact administrative fees and fines as authorized in Section 21 for violations of guidelines, rules and regulations of this Act as would endanger the viability of protected areas;
- h. To enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the purposes of this Act;
- i. To accept in the name of the Philippine Government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursement or other property in the interest of the NIPAS, its activities, or its services;
- j. To call on any agency or instrumentality of the government, as well as academic institutions, non-government organizations and the private sector as may be necessary to accomplish the objectives and activities of the System;
- k. To submit an annual report to the President of the Philippines and to Congress on the status of protected areas in the country;

- l. To establish a uniform marker for the System, including an appropriate and distinctive symbol for each category in the System, in consultation with appropriate government agencies and public and private organizations;
- m. To determine the specification of the class, type and style of building and other structures to be constructed in protected areas and the material to be used;
- n. Control the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection, and sanitation systems and other public utilities within the protected area;
- o. Control occupancy of suitable portions of the protected area and resettle outside of said area forest occupants therein, with the exception of the members of indigenous communities area; and
- p. To perform such other functions as may be directed by the President of the Philippines, and to do such acts as may be necessary or incidental to the accomplishment of the purpose and objectives of the System.

SEC. 11. Protected Area Management Board. – A Protected Area Management Board (PAMB) for each of the established protected area shall be created and shall be composed of the following: the Regional Executive Director (RED) under whose jurisdiction the protected area is located; one representative from the autonomous regional government, if applicable; the Provincial Development Officer; one representative from the municipal government; one representative from each barangay covering the protected area; one representative from each tribal community, if applicable; and, at least three representatives from non-government organizations/local community organizations, and if necessary, one representative from other departments or national government agencies involved in protected area management.

The Board shall, by a majority vote, decide the allocations for budget, approve proposals for funding, decide matters relating to planning, peripheral protection and general administration of the area in accordance with the general management strategy. The members of the Board shall serve for a term of five years without compensation, except for actual and necessary traveling and subsistence expenses incurred in the performance of their duties. They shall be appointed by the Secretary of the DENR as follows:

- a. A member who shall be appointed to represent each local government down to barangay level whose territory or portion is included in the protected area. Each appointee shall be the person designated by the head of such LGU, except for the Provincial Development Officer who shall serve *ex officio*;
- b. A member from non-government organizations who shall be endorsed by heads of organizations which are preferably based in the area or which have established and recognized interest in protected areas;
- c. The RED/s in the region/s where such protected area lies shall sit as *ex officio* member of the Board and shall serve as adviser/s in matters related to the technical aspect of management of the area; and
- d. The RED shall act as chairman of the Board. When there are two or more REDs in the Board, the Secretary shall designate one of them to be the Chairman. Vacancies shall be filled in the same manner as the original appointment.

SEC. 12. Environmental Impact Assessment. – Proposals for activities which are outside the scope of the management plan for protected areas shall be subject to an environmental impact assessment as

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required by law before they are adopted, and the results thereof shall be taken into consideration in the decision-making process. No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippine Environment Impact Assessment (EIA) system. In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such manner as will minimize any adverse effects and take preventive and remedial action when appropriate. The proponent shall be liable for any damage due to lack of caution or indiscretion.

SEC. 13. *Ancestral Lands and Rights Over Them.* – Ancestral lands and customary rights and interest arising shall be accorded due recognition. The DENR shall prescribe rules and regulations to govern ancestral lands within protected areas: *Provided*, That the DENR shall have no power to evict indigenous communities from their present occupancy nor resettle them to another area without their consent: *Provided, however*, That all rules and regulations, whether adversely affecting said communities or not, shall be subjected to notice and hearing to be participated in by members of concerned indigenous community.

SEC. 14. *Survey for Energy Resources.* – Consistent with the policies declared in Section 2, hereof, protected areas, except strict nature reserves and natural parks, may be subjected to exploration only for the purpose of gathering information on energy resources and only if such activity is carried out with the least damage to surrounding areas. Surveys shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to the public and submitted to the President for recommendation to Congress. Any exploitation and utilization of energy resources found within NIPAS areas shall be allowed only through a law passed by Congress.

SEC. 15. *Areas Under the Management of Other Departments and Government Instrumentalities.* – Should there be protected areas, or portions thereof, under the jurisdiction of government instrumentalities other than the DENR, such jurisdiction shall, prior to the passage of this Act, remain in the said department or government instrumentality: *Provided*, That the department or government instrumentality exercising administrative jurisdiction over said protected area or a portion thereof shall coordinate with the DENR in the preparation of its management plans, upon the effectivity of this Act.

SEC. 16. *Integrated Protected Areas Fund.* – There is hereby established a trust fund to be known as Integrated Protected Areas (IPAS) Fund for purposes of financing projects of the System.

The IPAS may solicit and receive donations, endowments, and grants in the form of contributions, and such endowments shall be exempted from income or gift taxes and all other taxes, charges or fees imposed by the government or any political subdivision or instrumentality thereof.

All incomes generated from the operation of the System or management of wild flora and fauna shall accrue to the Fund and may be utilized directly by the DENR for the above purpose. These incomes shall be derived from:

- a. Taxes from the permitted sale and export of flora and fauna and other resources from protected areas;
- b. Proceeds from lease of multiple-use areas;
- c. Contributions from industries and facilities directly benefiting from the protected area; and
- d. Such other fees and incomes derived from the operation of the protected area.

Disbursements from the Fund shall be made solely for the protection, maintenance, administration, and management of the System, and duly approved projects endorsed by the PAMBs, in the amounts authorized by the DENR.

SEC. 17. Annual Report to Congress. – At the opening of each session of Congress, the DENR shall report to the President, for transmission to Congress, on the status of the System, regulation in force and other pertinent information, together with recommendations.

SEC. 18. Field Officers. – All officials, technical personnel and forest guards employed in the integrated protected area service or all persons deputized by the DENR, upon recommendation of the Management Board shall be considered as field officers and shall have the authority to investigate and search premises and buildings and make arrests in accordance with the rules on criminal procedure for the violation of laws and regulations relating to protected areas. Persons arrested shall be brought to the nearest police precinct for investigation.

Nothing herein mentioned shall be construed as preventing regular enforcers and police officers from arresting any person in the act of violating said laws and regulations.

SEC. 19. Special Prosecutors. – The Department of Justice shall designate special prosecutors to prosecute violations of laws, rules and regulations in protected areas.

SEC. 20. Prohibited Acts. – Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

- a. Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived therefrom without a permit from the Management Board;
- b. Dumping of any waste products detrimental to the protected area, or to the plants and animals or inhabitants therein;
- c. Use of any motorized equipment without a permit from the Management Board;
- d. Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities (of scenic value);
- e. Damaging and leaving roads and trails in a damaged condition;
- f. Squatting, mineral locating, or otherwise occupying any land;
- g. Constructing or maintaining any kind of structure, fence or enclosures, conducting any business enterprise without a permit;
- h. Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and
- i. Altering, removing destroying or defacing boundary marks or signs.

SEC. 21. Penalties. – Whoever violates this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offenses in the preceding section shall be fined in the amount of not less than Five Thousand Pesos (P5,000) nor more than Five Hundred Thousand Pesos (P500,000), exclusive of the value of the thing damaged or imprisonment for not less than one year but not more than six years, or both, as determined by the court: *Provided*, That, if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration to the damage: *Provided*,

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further, That the court shall order the eviction of the offender from the land and the forfeiture in favor of the Government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers: *Provided, finally*, That the DENR may impose administrative fines and penalties consistent with 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 of this Act.

SEC. 23. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed or modified accordingly.

SEC. 24. *Effectivity Clause.* – This Act shall take effect 15 days after its complete publication in two newspapers of general circulation.

Approved: June 1, 1992.

REPUBLIC ACT No. 7611
AN ACT ADOPTING THE STRATEGIC ENVIRONMENT PLAN FOR PALAWAN,
CREATING THE ADMINISTRATIVE MACHINERY TO ITS IMPLEMENTATION, CONVERTING THE
PALAWAN INTEGRATED AREA DEVELOPMENT PROJECT OFFICE TO ITS SUPPORT STAFF,
PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. Title. – This Act shall be known as the “Strategic Environmental Plan (SEP) for Palawan Act.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to protect, develop and conserve its natural resources. Toward this end, it shall assist and support the implementation of plans, programs and projects formulated to preserve and enhance the environment, and at the same time pursue the socio-economic development goals of the country.

It shall support and promote the sustainable development goals for the provinces through proper conservation, utilization and development of natural resources to provide optimum yields on a continuing basis. With specific reference to forest resources, the State shall pursue and implement forest conservation and protection through the imposition of a total commercial logging ban as hereinafter provided.

It shall also adopt the necessary measures leading to the creation of an institutional machinery including, among others, fiscal and financial programs to ensure the effective and efficient implementation of environmental plans, programs and projects.

It shall also promote and encourage the involvement of all sectors of society and maximize people participation (including tribal groups) in natural resource management, conservation and protection.

SEC. 3. Definition of Terms. – As used in this Act, the following terms are defined as follows:

- (1) *Palawan* refers to the Philippine province composed of islands and islets located 7°47' and 12°22' north latitude and 117° and 119°51' east longitude, generally bounded by the South China Sea to the northwest and by the Sulu Sea to the east;
- (2) *Sustainable development* means the improvement in the quality of life of the present and future generations through the complementation of development and environmental protection activities;
- (3) *Natural resources* refers to life-support systems such as the sea, coral reefs, soil, lakes, rivers, and forest as well as useful products found therein such as animals, wildlife, tress and other plants, including the aesthetic attributes of scenic sites that are not man-made;
- (4) *Tribal land areas* refers to the areas comprising both land and sea that are traditionally occupied by the cultural minorities.
- (5) *Environmentally critical areas* refers to terrestrial aquatic and marine areas that need special protection and conservation measures as they are ecologically fragile;

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- (6) *Participatory processes* means the involvement of all the key sectors of development, from the grassroots to the policy-making bodies of the national government, in providing the values and ideas from which strategic development and environmental protection action can come about;
- (7) *Conservation* refers to the wise use of natural resources that assures regeneration and replenishment for continuous benefit;
- (8) *Ecology* refers to the life-sustaining interrelationships and interactions of organisms with each other and with their physical surroundings;
- (9) *Commercial logging* refers to the cutting, felling or destruction of tress from old growth and residual forest for the purpose of selling or otherwise disposing of the cut or felled logs for profit;
- (10) *SEP* refers to the Strategic Environmental Plan discussed in Section 4 of this Act;
- (11) *ECAN* refers to the Environmentally Critical Areas Network as provided in Section 7 of this Act; and
- (12) *EMES* refers to the Environmental Monitoring and Evaluation System provided in Section 13 of this Act.

CHAPTER II

STRATEGIC ENVIRONMENT PLAN: ADOPTION, PHILOSOPHY AND LEGAL EFFECTS

SECTION 4. *Strategic Environmental Plan (SEP).* – A comprehensive framework for the sustainable development of Palawan compatible with protecting and enhancing the natural resources and endangered environment of the province is hereby adopted. Such framework shall be known as the Strategic Environmental Plan for Palawan, hereinafter referred to as SEP, and shall serve to guide the local government of Palawan and the government agencies concerned in the formulation and implementation of plans, programs and projects affecting said province.

SEC. 5. *Strategic Environmental Plan Philosophy.* – The SEP shall have as its general philosophy, the sustainable development of Palawan, which is the improvement in the quality of life of its people in the present and future generations through the use of complementary activities of development and conservation that protect life-support ecosystem and rehabilitate exploited areas to allow upcoming generations to sustain development growth. It shall have the following features:

- (1) *Ecological viability.* – The physical and biological cycles that maintain the productivity of natural ecosystems must always be kept intact;
- (2) *Social acceptability.* – The people themselves, through participatory process, should be fully committed to support sustainable development activities by fostering equity in access to resources and the benefits derived from them;
- (3) *Integrated approach.* – This allows for a holistic view of problems and issues obtaining in the environment as well as opportunities for coordination and sharing that will eventually provide the resources and political will to actually implement and sustain SEP activities.

SEC. 6. *Legal effects.* – The SEP shall serve as the framework to guide the government agencies concerned in the formulation and implementation of plans, programs and projects affecting the environment and natural resources of Palawan. It shall therefore be incorporated in the Regional Development Plan of Region IV as part of said plan. All local governments in Palawan and the concerned national and regional

government agencies operating therein shall coordinate and align their projects and the corresponding budgets with the projects, programs and policies of the SEP, as administered and implemented by an administrative machinery hereinafter created.

SEC. 7. Environmentally Critical Areas Network (ECAN). – The SEP shall establish a graded system of protection and development control over the whole of Palawan, including its tribal lands, forests, mines, agricultural areas, settlement areas, small islands, mangroves, coral reefs, seagrass beds and the surrounding sea. This shall be known as the Environmentally Critical Areas Network, hereinafter referred to as ECAN, and shall serve as the main strategy of the SEP.

The ECAN shall ensure the following:

- (1) Forest conservation and protection through the imposition of a total commercial logging ban in all areas of maximum protection and in such other restricted use zones as the Palawan Council for Sustainable Development as hereinafter created may provide;
- (2) Protection of watersheds;
- (3) Preservation of biological diversity;
- (4) Protection of tribal people and the preservation of their culture;
- (5) Maintenance of maximum sustainable yield;
- (6) Protection of rare and endangered species and their habitat;
- (7) Provision of areas for environmental and ecological research, education and training; and
- (8) Provision of areas for tourist and recreation.

SEC. 8. Main Components. – The areas covered by the ECAN shall be classified into three main components:

- (1) *Terrestrial* – the terrestrial component shall consist of the mountainous, as well as ecologically important low hills and lowland areas of the whole province. It may be further subdivided into smaller management components;
- (2) *Coastal/Marine area* – this area includes the whole coastline up to the open sea. This is characterized by active fisheries and tourism activities;
- (3) *Tribal ancestral lands* – These are the areas traditionally occupied by the cultural communities.

SEC. 9. Terrestrial Component: Management Scheme and Zonation. – The terrestrial component may be further subdivided into smaller management components for a more efficient supervision. These management components, in turn, shall each be further subdivided into the following zones:

- (1) *Area of maximum protection or core zone.* – This zone shall be fully and strictly protected and maintained free of human disruption. Included here are all types of natural forest which include first growth forest, residual forest and edges of intact forest, areas above one thousand (1,000) meters elevation, peaks of mountains or other areas with very steep gradients, and endangered habitats and habitats of endangered and rare species. Exceptions, however, may be granted to traditional uses of tribal communities of these areas for minimal and soft impact gathering of forest species for ceremonial and medicinal purposes.
- (2) *Buffer zone.* – This area permits regulated use and may be further subdivided into three sub-zones:
 - (a) *Restricted use area.* – Generally surrounds the core zone and provides a protective barrier. Limited and nonconsumptive activities may be allowed in this area.

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- (b) *Controlled use area.* – Encircles and provides the outer barrier to the core and restricted use area. Controlled forest extraction, like the collecting of minor forest products, and strictly controlled logging and mining may be allowed.
 - (c) *Traditional use area.* – Edges of intact forests where traditional land use is already stabilized or is being stabilized. Management and control shall be carried out with the other supporting programs of the SEP.
- (3) Multiple/manipulative use area - This is the area where the landscape has been modified for different forms of land use such as intensive timber extraction, grazing and pastures, agriculture and infrastructure development. Control and management shall be strictly integrated with the other supporting programs of the SEP and other similar programs of the government.

SEC. 10. Coastal/Marine Zone. – A different and simplified scheme of management zonation shall be applied to this component due to its geographical characteristics, critical nature, and patterns of resource use. Equitable access to the resource and management responsibility by the local community shall be the underlying management philosophy of this component.

- (1) *Core zone.* – This area shall be designated free from any human activity. This includes sanctuaries for rare and endangered species, selected coral reefs, seagrass and mangrove ecosystem reserves.
- (2) *Multiple use zone.* – Aside from being the development area, this zone also serves as the buffer zone where fishery, mariculture, recreation, rehabilitation of small islands and mangrove ecosystem, education and research are allowed.

SEC. 11. Tribal Ancestral Lands. – These areas, traditionally occupied by cultural minorities, comprise both land and sea areas. These shall be treated in the same graded system of control and prohibition as in the others abovementioned except for strong emphasis in cultural considerations. The SEP, therefore, shall define a special kind of zonation to fulfill the material and cultural needs of the tribes using consultative processes and cultural mapping of the ancestral lands.

CHAPTER III

MANAGEMENT OF RESOURCES OUTSIDE OF THE ECOLOGICALLY CRITICAL AREAS

SECTION 12. Management of Resources Outside of the Ecologically Critical Areas. – The SEP shall provide for the management of resources outside of the ECAN and shall include coastal resources, resources of the catchment areas, timber and mines, development in the lowlands, and settlement areas. It shall also provide for tourism planning.

CHAPTER IV

SUPPORT MECHANISM

SECTION 13. Environmental Monitoring and Evaluation System (EMES). – In order to monitor achievement of its goals, SEP shall establish an Environmental Monitoring and Evaluation System (EMES) which shall ensure a systematic and reliable means of data generation for the various concerns of the SEP. It shall measure changes in environmental status, identify adverse environmental trends and crisis areas, recommend solutions, assess the implementation of the SEP, and suggest measures to make the SEP more responsible to the changing needs.

SEC. 14. *Environmental Research.* – The SEP shall provide for a system of research so that additional information for accurate planning as well as data to solve new problems in the implementation of the SEP shall be supplied. As such, the SEP’s researches shall not be confined to the physical and biological features of the environment, achieved through surveys, monitoring, resource assessments and research into processes, but shall also extend to policies and socioeconomic questions.

SEC. 15. *Environmental Education and Extension.* – The SEP shall design an environmental information and education designed to gradually wean the people away from destructive practices and shall recommend practical ways as an alternative.

Training programs for the non-governmental organizations (NGO’s), business sector representatives and community leaders shall be organized. This may establish linkages between the NGOs, community leaders, sector representatives and the staff of line agencies development communication or public information section and at the same time, be used to plan out a comprehensive public information drive.

Simultaneously, community organizing shall be enhanced to reinforce non-formal approaches, complementing regular environment/science courses in the school.

CHAPTER V

ADMINISTRATIVE MACHINERY FOR THE IMPLEMENTATION OF THE SEP

SEC. 16. *Palawan Council for Sustainable Development.* – The governance, implementation and policy direction of the Strategic Environmental Plan shall be exercised by the herein created Palawan Council for Sustainable Development (PCSD), hereinafter referred to as the Council, which shall be under the Office of the President. It shall be composed of the Members of the House of the Representatives representing the province of Palawan, the Deputy Director General of the National Economic and Development Authority, the Undersecretary of Environment and Natural Resources, the Undersecretary for Special Concerns of the Department of Agriculture, the Governor of Palawan, the Mayor of Puerto Princesa City, the President of the Mayor’s League of Palawan, the President of the Provincial Chapter of the Liga ng mga Barangay, the Executive Director of the Palawan Council for Sustainable Development Staff as provided in Section 20 of this Act, and such other members from the public or private sectors as the majority of the Council may deem necessary.

The Council shall elect, from among its members, a Chairman and a Vice Chairman.

SEC. 17. *Quorum.* – A majority of the members of the Council shall constitute a quorum for the conduct of business.

SEC. 18. *Compensation.* – The members of the Council shall be entitled to per diems and allowances in accordance with existing laws in the performance of their duties and in carrying out of the business of the Council. The per diems shall be in the amount of Five Hundred Pesos (P500) for every meeting: *Provided*, that the per diems collected do not exceed the equivalent of per diems for four meetings in a month.

SEC. 19. *Powers and Functions.* – In order to successfully implement the provisions of this Act, the Council is hereby vested with the following powers and functions:

- (1) Formulate plans and policies as may be necessary to carry out the provisions of this Act;

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- (2) Coordinate with the local governments to ensure that the latter's plans, programs and projects are aligned with the plans, programs and policies of the SEP;
- (3) Call on any department, bureau, office, agency or instrumentality of the government, and on private entities and organizations for cooperation and assistance in the performance of its functions;
- (4) Arrange, negotiate for, accept donations, grants, gifts, loans, and other fundings from domestic and foreign sources to carry out the activities and purposes of the SEP;
- (5) Recommend to the Congress of the Philippines such matters that may require legislation in support of the objectives of the SEP;
- (6) Delegate any or all of its powers and functions to its support staff, as hereinafter provided, except those which by provisions of law cannot be delegated;
- (7) Establish policies and guidelines for employment on the basis, of merit, technical competence and moral character and prescribe a compensation and staffing pattern;
- (8) Adopt, amend and rescind such rules and regulations and impose penalties therefore for the effective implementation of the SEP and the other provisions of this Act;
- (9) Enforce the provisions of this Act and other existing laws, rules and regulations similar to or complementary with this Act;
- (10) Perform related functions which shall promote the development, conservation, management, protection, and utilization of the natural resources of Palawan; and
- (11) Perform such other powers and functions as may be necessary in carrying out its functions, powers, and the provisions of this Act.

SEC. 20. Conversion of Palawan Integrated Area Development Project Office (PIADPO) to the Palawan Council for Sustainable Development Staff. – The Palawan Integrated Area Development Project Office, hereinafter referred to as PIADPO, is hereby converted to the Palawan Council for Sustainable Development Staff which shall serve as the regular professional support staff of the Council and shall provide the machinery to coordinate the policy and functions, implement programs, and organize such services as may be required by the Council in the exercise of its functions. It shall be independent of any other department or agency of the government other than the herein provided Council. All the applicable powers, functions, personnel, complement staff, appropriations, records, equipment, property, funds, and other assets of the PIADPO, as well as all its obligations and liabilities, are hereby transferred to the Palawan Council for Sustainable Development Staff. The incumbent Director of the PIADPO shall be the Executive Director of the Palawan Council for Sustainable Development Staff and shall lead all its operations. Thereafter, the Executive Director shall be appointed by the members of the Council. He shall also be ex officio member of the Council.

CHAPTER VI

APPROPRIATION AND FINAL PROVISIONS

SECTION 21. Appropriations. – The amount necessary to carry out the provisions of this Act shall be charged to the current fiscal year appropriation of the PIADPO. Thereafter, such sums as may be necessary shall be included in the annual General Appropriations Act.

SEC. 22. Separability Clause. – If any of the provisions of this Act shall be declared unconstitutional, the other provisions of this Act shall remain valid.

SEC. 23. *Repealing Clause.* – All laws; decrees, orders, rules and regulations or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved: June 19, 1992.

REPUBLIC ACT No. 7942
AN ACT INSTITUTING A NEW SYSTEM OF MINERAL RESOURCES EXPLORATION,
DEVELOPMENT, UTILIZATION, AND CONSERVATION

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

CHAPTER I

INTRODUCTORY PROVISIONS

SECTION 1. Title. – This Act shall be known as the “*Philippine Mining Act of 1995.*”

SEC. 2. Declaration of Policy. – All mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines are owned by the State. It shall be the responsibility of the State to promote their rational exploration, development, utilization and conservation through the combined efforts of government and the private sector in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of affected communities.

SEC. 3. Definition of Terms. – As used in and for purposes of this Act, the following terms, whether in singular or plural, shall mean:

- a. *Ancestral lands* refers to all lands exclusively and actually possessed, occupied, or utilized by indigenous cultural communities by themselves or through their ancestors in accordance with their customs and traditions since time immemorial, and as may be defined and delineated by law.
- b. *Block or meridional block* means an area bounded by one-half minute of latitude and one-half minute of longitude, containing approximately 81 hectares.
- c. *Bureau* means the Mines and Geosciences Bureau under the Department of Environment and Natural Resources.
- d. *Carrying capacity* refers to the capacity of natural and human environments to accommodate and absorb change without experiencing conditions of instability and attendant degradation.
- e. *Contiguous zone* refers to water, sea bottom and substratum measured 24 nautical miles (24 n.m.) seaward from the baseline of the Philippine archipelago.
- f. *Contract area* means land or body of water delineated for purposes of exploration, development, or utilization of the minerals found therein.
- g. *Contractor* means a qualified person acting alone or in consortium who is a party to a mineral agreement or to a financial or technical assistance agreement.
- h. *Co-production agreement (CA)* means an agreement entered into between the government and one or more contractors in accordance with Section 26(b) hereof.
- i. *Department* means the Department of Environment and Natural Resources.
- j. *Development* means the work undertaken to explore and prepare an ore body or a mineral deposit for mining, including the construction of necessary infrastructure and related facilities.
- k. *Director* means the Director of the Mines and Geosciences Bureau.

- l. *Ecological profile or eco-profile* refers to geographic-based instruments for planners and decision-makers which presents an evaluation of the environmental quality and carrying capacity of an area.
- m. *Environmental Compliance Certificate (ECC)* refers to the document issued by the government agency concerned certifying that the project under consideration will not bring about an unacceptable environmental impact and that the proponent has complied with the requirements of the environmental impact statement system.
- n. *Environmental Impact Statement (EIS)* is the document which aims to identify, predict, interpret, and communicate information regarding changes in environmental quality associated with a proposed project and which examines the range of alternatives for the objectives of the proposal and their impact on the environment.
- o. *Exclusive economic zone* means the water, sea bottom and subsurface measured from the baseline of the Philippine archipelago up to two hundred nautical miles (200 n.m.) offshore.
- p. *Existing mining/quarrying right* means a valid and subsisting mining claim or permit or quarry permit or any mining lease contract or agreement covering a mineralized area granted/issued under pertinent mining laws.
- q. *Exploration* means the searching or prospecting for mineral resources by geological, geochemical or geophysical surveys, remote sensing, test pitting, trending, 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.
- r. *Financial or technical assistance agreement* means a contract involving financial or technical assistance for large-scale exploration, development, and utilization of mineral resources.
- s. *Force majeure* means acts or circumstances beyond the reasonable control of contractor including, but not limited to, war, rebellion, insurrection, riots, civil disturbance, blockade, sabotage, embargo, strike, lockout, any dispute with surface owners and other labor disputes, epidemic, earthquake, storm, flood or other adverse weather conditions, explosion, fire, adverse action by government or by any instrumentality or subdivision thereof, act of God or any public enemy and any cause herein describe over which the affected party has no reasonable control.
- t. *Foreign-owned corporation* means any corporation, partnership, association, or cooperative duly registered in accordance with law in which less than 50 percent of the capital is owned by Filipino citizens.
- u. *Government* means the government of the Republic of the Philippines.
- v. *Gross output* means the actual market value of minerals or mineral products from its mining area as defined in the National Internal Revenue Code.
- w. *Indigenous cultural community* means a group or tribe of indigenous Filipinos who have continuously lived as communities on communally-bounded and defined land since time immemorial and have succeeded in preserving, maintaining, and sharing common bonds of languages, customs, traditions, and other distinctive cultural traits, and as may be defined and delineated by law.
- x. *Joint Venture Agreement (JVA)* means an agreement entered into between the Government and one or more contractors in accordance with Section 26(c) hereof.
- y. *Mineral processing* means the milling, beneficiation or upgrading of ores or minerals and rocks or by similar means to convert the same into marketable products.
- z. *Mine wastes and tailings* shall mean soil and rock materials from surface or underground mining and milling operations with no economic value to the generator of the same.

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- aa. *Minerals* refers to all naturally occurring inorganic substance in solid, gas, liquid, or any intermediate state excluding energy materials such as coal, petroleum, natural gas, radioactive materials, and geothermal energy.
- ab. *Mineral agreement* means a contract between the government and a contractor, involving mineral production-sharing agreement, co-production agreement, or joint-venture agreement.
- ac. *Mineral land* means any area where mineral resources are found.
- ad. *Mineral resource* means any concentration of minerals/rocks with potential economic value.
- ae. *Mining area* means a portion of the contract area identified by the contractor for purposes of development, mining, utilization, and sites for support facilities or in the immediate vicinity of the mining operations.
- af. *Mining operation* means mining activities involving exploration, feasibility, development, utilization, and processing.
- ag. *Non-governmental Organization (NGO)* includes nonstock, nonprofit organizations involved in activities dealing with resource and environmental conservation, management and protection.
- ah. *Net assets* refers to the property, plant and equipment as reflected in the audited financial statement of the contractor net of depreciation, as computed for tax purposes, excluding appraisal increase and construction in progress.
- ai. *Offshore* means the water, sea bottom and subsurface from the shore or coastline reckoned from the mean low tide level up to the 200 nautical miles exclusive economic zone including the archipelagic sea and contiguous zone.
- aj. *Onshore* means the landward side from the mean tide elevation, including submerged lands in lakes, rivers and creeks.
- ak. *Ore* means a naturally occurring substance or material from which a mineral or element can be mined and/or processed for profit.
- al. *Permittee* means the holder of an exploration permit.
- am. *Pollution control and infrastructure devices* refers to infrastructure, machinery, equipment and/or improvements used for impounding, treating or neutralizing, precipitating, filtering, conveying and cleansing mine industrial waste and tailings as well as eliminating or reducing hazardous effects of solid particles, chemicals, liquids or other harmful byproducts and gases emitted from any facility utilized in mining operations for their disposal.
- an. *President* means the President of the Republic of the Philippines.
- ao. *Private land* refers to any land belonging to any private person which includes alienable and disposable land being claimed by a holder, claimant, or occupant who has already acquired a vested right thereto under the law, although the corresponding certificate or evidence of title or patent has not been actually issued.
- ap. *Public land* refers to lands of the public domain which have been classified as agricultural lands and subject to management and disposition or concession under existing laws.
- aq. *Qualified person* means any citizen of the Philippines with capacity to contract, or a corporation, partnership, association, or cooperative organized or authorized for the purpose of engaging in mining, with technical and financial capability to undertake mineral resources development and duly registered in accordance with law at least 60 percent of the capital of which is owned by citizens of the Philippines: *Provided*, That a legally organized foreign-owned corporation shall be

deemed a qualified person for purposes of granting an exploration permit, financial or technical assistance agreement or mineral processing permit.

- ar. *Quarrying* means the process of extracting, removing and disposing quarry resources found on or underneath the surface of private or public land.
- as. *Quarry permit* means a document granted to a qualified person for the extraction and utilization of quarry resources on public or private lands.
- at. *Quarry resources* refers to any common rock or other mineral substances as the Director of Mines and Geosciences Bureau may declare to be quarry resources such as, but not limited to, andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, shale, tuff, volcanic cinders, and volcanic glass: Provided, That such quarry resources do not contain metals or metallic constituents and/or other valuable minerals in economically workable quantities: *Provided, further,* That non-metallic minerals such as kaolin, feldspar, bull quartz, quartz or silica, sand and pebbles, bentonite, talc, asbestos, barite, gypsum, bauxite, magnesite, dolomite, mica, precious and semi-precious stones, and other non-metallic minerals that may later be discovered and which the Director declares the same to be of economically workable quantities, shall not be classified under the category of quarry resources.
- au. *Regional Director* means the regional director of any mines regional office under the Department of Environment and Natural Resources.
- av. *Regional Office* means any of the mines regional offices of the Department of Environment and Natural Resources.
- aw. *Secretary* means the Secretary of the Department of Environment and Natural Resources.
- ax. *Special allowance* refers to payment to the claim-owners or surface right-owners particularly during the transition period from Presidential Decree No. 463 and Executive Order No. 279, series of 1987.
- ay. *State* means the Republic of the Philippines.
- az. *Utilization* means the extraction or disposition of minerals.

CHAPTER II

GOVERNMENT MANAGEMENT

SECTION 4. Ownership of Mineral Resources. – Mineral resources are owned by the State and the exploration, development, utilization, and processing thereof shall be under its full control and supervision. The State may directly undertake such activities or it may enter into mineral agreements with contractors.

The State shall recognize and protect the rights of the indigenous cultural communities to their ancestral lands as provided for by the Constitution.

SEC. 5. Mineral Reservations. – When the national interest so requires, such as when there is a need to reserve strategic raw materials for industries critical to national development, or certain minerals for scientific, cultural or ecological value, the President may establish mineral reservations upon the recommendation of the Director through the Secretary. Mining operations in existing mineral reservations and such other reservations as may thereafter be established, shall be undertaken by the

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Department or through a contractor: *Provided*, That a small scale-mining cooperative covered by Republic Act No. 7076 shall be given preferential right to apply for a small-scale mining agreement for a maximum aggregate area of 25 percent of such mineral reservation, subject to valid existing mining/quarrying rights as provided under Section 112, Chapter XX hereof. All submerged lands within the contiguous zone and in the exclusive economic zone of the Philippines are hereby declared to be mineral reservations.

A 10 percent share of all royalties and revenues to be derived by the government from the development and utilization of the mineral resources within mineral reservations as provided under this Act shall accrue to the Mines and Geosciences Bureau to be allotted for special projects and other administrative expenses related to the exploration and development of other mineral reservations mentioned in Section 6 hereof.

SEC. 6. *Other Reservations.* – Mining operations in reserved lands other than mineral reservations may be undertaken by the Department, subject to limitations as herein provided. In the event that the Department cannot undertake such activities, they may be undertaken by a qualified person in accordance with the rules and regulations promulgated by the Secretary. The right to develop and utilize the minerals found therein shall be awarded by the President under such terms and conditions as recommended by the Director and approved by the Secretary: *Provided*, That the party who undertook the exploration of said reservation shall be given priority. The mineral land so awarded shall be automatically excluded from the reservation during the term of the agreement: *Provided, further*, That the right of the lessee of a valid mining contract existing within the reservation at the time of its establishment shall not be prejudiced or impaired.

SEC. 7. *Periodic Review of Existing Mineral Reservations.* – The Secretary shall periodically review existing mineral reservations for the purpose of determining whether their continued existence is consistent with the national interest, and upon his recommendation, the President may, by proclamation, alter or modify the boundaries thereof or revert the same to the public domain without prejudice to prior existing rights.

SEC. 8. *Authority of the Department.* – The Department shall be the primary government agency responsible for the conservation, management, development, and proper use of the State's mineral resources including those in reservations, watershed areas, and lands of the public domain. The Secretary shall have the authority to enter into mineral agreements on behalf of the government upon the recommendation of the Director, [and] promulgate such rules and regulations as may be necessary to implement the intent and provisions of this Act.

SEC. 9. *Authority of the Bureau.* – The Bureau shall have direct charge in the administration and disposition of mineral lands and mineral resources and shall undertake geological, mining, metallurgical, chemical, and other researches as well as geological and mineral exploration surveys. The Director shall recommend to the Secretary the granting of mineral agreements to duly qualified persons and shall monitor the compliance by the contractor of the terms and conditions of the mineral agreements. The Bureau may confiscate surety, performance and guaranty bonds posted through an order to be promulgated by the Director. The Director may deputize, when necessary, any member or unit of the Philippine National Police, *barangay*, duly registered non-governmental organization (NGO) or any qualified person to police all mining activities.

SEC. 10. *Regional Offices.* – There shall be as many regional offices in the country as may be established by the Secretary, upon the recommendation of the Director.

SEC. 11. *Processing of Applications.* – The system of processing applications for mining rights shall be prescribed in the rules and regulations of this Act.

SEC. 12. *Survey, Charting and Delineation of Mining Areas.* – A sketch plan or map of the contract or mining area prepared by a deputized geodetic engineer suitable for publication purposes shall be required during the filing of a mineral agreement or financial or technical assistance agreement application. Thereafter, the contract or mining area shall be surveyed and monumented by a deputized geodetic engineer or bureau geodetic engineer and the survey plan shall be approved by the Director before the approval of the mining feasibility.

SEC. 13. *Meridional Blocks.* – For purposes of the delineation of the contract or mining areas under this Act, the Philippine territory and its exclusive economic zone shall be divided into meridional blocks of one-half minute of latitude and one-half minute of longitude.

SEC. 14. *Recording System.* – There shall be established a national and regional filing and recording system. A mineral resource database system shall be set up in the Bureau which shall include, among others, a mineral rights management system. The Bureau shall publish at least annually, a mineral gazette of nationwide circulation containing among others, a current list of mineral rights, their location in the map, mining rules and regulations, other official acts affecting mining, and other information relevant to mineral resources development. A system and publication fund shall be included in the regular budget of the Bureau.

CHAPTER III

SCOPE OF APPLICATION

SECTION 15. *Scope of Application.* – This Act shall govern the exploration, development, utilization and processing of all mineral resources.

SEC. 16. *Opening of Ancestral Lands for Mining Operations.* – No ancestral land shall be opened for mining-operations without prior consent of the indigenous cultural community concerned.

SEC. 17. *Royalty Payments for Indigenous Cultural Communities.* – In the event of an agreement with an indigenous cultural community pursuant to the preceding section, the royalty payment, upon utilization of the minerals shall be agreed upon by the parties. The said royalty shall form part of a trust fund for the socioeconomic well-being of the indigenous cultural community.

SEC. 18. *Areas Open to Mining Operations.* – Subject to any existing rights or reservations and prior agreements of all parties, all mineral resources in public or private lands, including timber or forestlands as defined in existing laws, shall be open to mineral agreements or financial or technical assistance agreement applications. Any conflict that may arise under this provision shall be heard and resolved by the panel of arbitrators.

SEC. 19. *Areas Closed to Mining Applications.* – Mineral agreement or financial or technical assistance agreement applications shall not be allowed:

- a. In military and other government reservations, except upon prior written clearance by the government agency concerned;
- b. Near or under public or private buildings, cemeteries, archeological and historic sites, bridges, highways, waterways, railroads, reservoirs, dams or other infrastructure projects, public or private

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works including plantations or valuable crops, except upon written consent of the government agency or private entity concerned;

- c. In areas covered by valid and existing mining rights;
- d. In areas expressly prohibited by law;
- e. In areas covered by small-scale miners as defined by law unless with prior consent of the small-scale miners, in which case a royalty payment upon the utilization of minerals shall be agreed upon by the parties, said royalty forming a trust fund for the socioeconomic development of the community concerned; and
- f. Old growth or virgin forests, proclaimed watershed forest reserves, wilderness areas, mangrove forests, mossy forests, national parks provincial/municipal forests, parks, greenbelts, game refuge and bird sanctuaries as defined by law and in areas expressly prohibited under the National Integrated Protected Areas System (NIPAS) under Republic Act No. 7586, Department Administrative Order No. 25, series of 1992 and other laws.

CHAPTER IV EXPLORATION PERMIT

SECTION 20. *Exploration Permit.* – An exploration permit grants the right to conduct exploration for all minerals in specified areas. The Bureau shall have the authority to grant an exploration permit to a qualified person.

SEC. 21. *Terms and Conditions of the Exploration Permit.* – An exploration permit shall be for a period of two years, subject to annual review and relinquishment or renewal upon the recommendation of the Director.

SEC. 22. *Maximum Areas for Exploration Permit.* – The maximum area that a qualified person may hold at any one time shall be:

- a. Onshore, in any one province:
 - 1. For individuals, 20 blocks; and
 - 2. For partnerships, corporations, cooperatives, or associations, 200 blocks.
- b. Onshore, in the entire Philippines:
 - 1. For individuals, 40 blocks; and
 - 2. For partnerships, corporations, cooperatives, or associations, four hundred (400) blocks.
- c. Offshore, beyond 500 meters from the mean low tide level:
 - 1. For individuals, 100 blocks; and
 - 2. For partnerships, corporations, cooperatives, or associations, 1,000 blocks.

SEC. 23. *Rights and Obligations of the Permittee.* – An exploration permit shall grant to the permittee, his heirs or successors-in-interest, the right to enter, occupy and explore the area: *Provided*, That if private or other parties are affected, the permittee shall first discuss with the said parties the extent, necessity, and manner of his entry, occupation and exploration and in case of disagreement, a panel of arbitrators shall resolve the conflict or disagreement.

The permittee shall undertake an exploration work on the area as specified by its permit based on an approved work program.

Any expenditure in excess of the yearly budget of the approved work program may be carried forward and credited to the succeeding years covering the duration of the permit. The Secretary, through the Director, shall promulgate rules and regulations governing the terms and conditions of the permit.

The permittee may apply for a mineral production sharing agreement, joint venture agreement, co-production agreement or financial or technical assistance agreement over the permit area, which application shall be granted if the permittee meets the necessary qualifications and the terms and conditions of any such agreement: *Provided*, That the exploration period covered by the exploration permit shall be included as part of the exploration period of the mineral agreement or financial or technical assistance agreement.

SEC. 24. Declaration of Mining Project Feasibility. – A holder of an exploration permit who determines the commercial viability of a project covering a mining area may, within the term of the permit, file with the Bureau a declaration of mining project feasibility accompanied by a work program for development. The approval of the mining project feasibility and compliance with other requirements provided in this Act shall entitle the holder to an exclusive right to a mineral production sharing agreement or other mineral agreements or financial or technical assistance agreement.

SEC. 25. Transfer or Assignment. – An exploration permit may be transferred or assigned to a qualified person subject to the approval of the Secretary upon the recommendation of the Director.

CHAPTER V

MINERAL AGREEMENTS

SECTION 26. Modes of Mineral Agreement. – For purposes of mining operations, a mineral agreement may take the following forms as herein defined:

- a. *Mineral production sharing agreement* is an agreement where the government grants to the contractor the exclusive right to conduct mining operations within a contract area and shares in the gross output. The contractor shall provide the financing, technology, management and personnel necessary for the implementation of this agreement.
- b. *Co-production agreement* is an agreement between the government and the contractor wherein the Government shall provide inputs to the mining operations other than the mineral resource.
- c. *Joint venture agreement* is an agreement where a joint-venture company is organized by the government and the contractor with both parties having equity shares. Aside from earnings in equity, the Government shall be entitled to a share in the gross output.

A mineral agreement shall grant to the contractor the exclusive right to conduct mining operations and to extract all mineral resources found in the contract area. In addition, the contractor may be allowed to convert his agreement into any of the modes of mineral agreements or financial or technical assistance agreement covering the remaining period of the original agreement subject to the approval of the Secretary.

SEC. 27. Eligibility. – A qualified person may enter into any of the three modes of mineral agreement with the government for the exploration, development and utilization of mineral resources: *Provided*, That in case the applicant has been in the mining industry for any length of time, he should possess a

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satisfactory environmental track record as determined by the Mines and Geosciences Bureau and in consultation with the Environmental Management Bureau of the Department.

SEC. 28. *Maximum Areas for Mineral Agreement.* – The maximum area that a qualified person may hold at any time under a mineral agreement shall be:

- a. Onshore, in any one province:
 1. For individuals, 10 blocks; and
 2. For partnerships, cooperatives, associations, or corporations, 100 blocks.
- b. Onshore, in the entire Philippines:
 1. For individuals, 20 blocks; and
 2. For partnerships, cooperatives, associations, or corporations, 200 blocks.
- c. Offshore, in the entire Philippines:
 1. For individuals 50 blocks;
 2. For partnerships, cooperatives, associations, or corporations, 500 blocks; and
 3. For the exclusive economic zone, a larger area to be determined by the Secretary.

The maximum areas mentioned above that a contractor may hold under a mineral agreement shall not include mining/quarry areas under operating agreements between the contractor and a claim-owner/lessee/permittee/licensee entered into under Presidential Decree No. 463.

SEC. 29. *Filing and Approval of Mineral Agreements.* – All proposed mineral agreements shall be filed in the region where the areas of interest are located, except in mineral reservations which shall be filed with the Bureau.

The filing of a proposal for a mineral agreement shall give the proponent the prior right to areas covered by the same. The proposed mineral agreement will be approved by the Secretary and copies thereof shall be submitted to the President. Thereafter, the President shall provide a list to Congress of every approved mineral agreement within 30 days from its approval by the Secretary.

SEC. 30. *Assignment/Transfer.* – Any assignment or transfer of rights and obligations under any mineral agreement except a financial or technical assistance agreement shall be subject to the prior approval of the Secretary. Such assignment or transfer shall be deemed automatically approved if not acted upon by the Secretary within 30 working days from official receipt thereof, unless patently unconstitutional or illegal.

SEC. 31. *Withdrawal from Mineral Agreements.* – The contractor may, by giving due notice at any time during the term of the agreement, apply for the cancellation of the mineral agreement due to causes which, in the opinion of the contractor, make continued mining operations no longer feasible or viable. The Secretary shall consider the notice and issue its decision within a period of 30 days: *Provided*, That the contractor has met all its financial, fiscal and legal obligations.

SEC. 32. *Terms.* – Mineral agreements shall have a term not exceeding 25 years to start from the date of execution thereof, and renewable for another term not exceeding 25 years under the same terms and conditions thereof, without prejudice to changes mutually agreed upon by the parties. After the renewal period, the operation of the mine may be undertaken by the government or through a contractor. The contract for the operation of a mine shall be awarded to the highest bidder in a public bidding after due

publication of the notice thereof: *Provided*, That the contractor shall have the right to equal the highest bid upon reimbursement of all reasonable expenses of the highest bidder.

CHAPTER VI

FINANCIAL OR TECHNICAL ASSISTANCE AGREEMENT

SECTION 33. Eligibility. – Any qualified person with technical and financial capability to undertake large-scale exploration, development, and utilization of mineral resources in the Philippines may enter into a financial or technical assistance agreement directly with the government through the Department.

SEC. 34. Maximum Contract Area. – The maximum contract area that may be granted per qualified person, subject to relinquishment shall be:

- a. 1,000 meridional blocks onshore;
- b. 4,000 meridional blocks offshore; or
- c. Combinations of (a) and (b) provided that it shall not exceed the maximum limits for onshore and offshore areas.

SEC. 35. Terms and Conditions. – The following terms, conditions, and warranties shall be incorporated in the financial or technical assistance agreement, to wit:

- a. A firm commitment in the form of a sworn statement, of an amount corresponding to the expenditure obligation that will be invested in the contract area: *Provided*, That such amount shall be subject to changes as may be provided for in the rules and regulations of this Act;
- b. A financial guarantee bond shall be posted in favor of the Government in an amount equivalent to the expenditure obligation of the applicant for any year;
- c. Submission of proof of technical competence, such as, but not limited to, its track record in mineral resource exploration, development, and utilization; details of technology to be employed in the proposed operation; and details of technical personnel to undertake the operation;
- d. Representations and warranties that the applicant has all the qualifications and none of the disqualifications for entering into the agreement;
- e. Representations and warranties that the contractor has, or has access to all the financing, managerial and technical expertise and, if circumstances demand, the technology required to promptly and effectively carry out the objectives of the agreement with the understanding to timely deploy these resources under its supervision pursuant to the periodic work programs and related budgets, when proper, providing an exploration period up to two years, extendible for another two years but subject to annual review by the Secretary in accordance with the implementing rules and regulations of this Act, and further, subject to the relinquishment obligations;
- f. Representations and warranties that, except for payments for dispositions for its equity, foreign investments in local enterprises which are qualified for repatriation, and local supplier's credits and such other generally accepted and permissible financial schemes for raising funds for valid business purposes, the contractor shall not raise any form of financing from domestic sources of funds, whether in Philippine or foreign currency, for conducting its mining operations for and in the contract area;
- g. The mining operations shall be conducted in accordance with the provisions of this Act and its implementing rules and regulations;

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- h. Work programs and minimum expenditures commitments;
- i. Preferential use of local goods and services to the maximum extent practicable;
- j. A stipulation that the contractors are obligated to give preference to Filipinos in all types of mining employment for which they are qualified and that technology shall be transferred to the same;
- k. Requiring the proponent to effectively use appropriate anti-pollution technology and facilities to protect the environment and to restore or rehabilitate mined out areas and other areas affected by mine tailings and other forms of pollution or destruction;
- l. The contractors shall furnish the Government records of geologic, accounting, and other relevant data for its mining operations, and that book of accounts and records shall be open for inspection by the government;
- m. Requiring the proponent to dispose of the minerals and byproducts produced under a financial or technical assistance agreement at the highest price and more advantageous terms and conditions as provided for under the rules and regulations of this Act;
- n. Provide for consultation and arbitration with respect to the interpretation and implementation of the terms and conditions of the agreements; and
- o. Such other terms and conditions consistent with the Constitution and with this Act as the Secretary may deem to be for the best interest of the State and the welfare of the Filipino people.

SEC. 36. Negotiations. – A financial or technical assistance agreement shall be negotiated by the Department and executed and approved by the President. The President shall notify Congress of all financial or technical assistance agreements within 30 days from execution and approval thereof.

SEC. 37. Filing and Evaluation of Financial or Technical Assistance Agreement Proposals. – All financial or technical assistance agreement proposals shall be filed with the Bureau after payment of the required processing fees. If the proposal is found to be sufficient and meritorious in form and substance after evaluation, it shall be recorded with the appropriate government agency to give the proponent the prior right to the area covered by such proposal: *Provided*, That existing mineral agreements, financial or technical assistance agreements and other mining rights are not impaired or prejudiced thereby. The Secretary shall recommend its approval to the President.

SEC. 38. Term of Financial or Technical Assistance Agreement. – A financial or technical assistance agreement shall have a term not exceeding 25 years to start from the execution thereof, renewable for not more than 25 years under such terms and conditions as may be provided by law.

SEC. 39. Option to Convert into a Mineral Agreement. – The contractor has the option to convert the financial or technical assistance agreement to a mineral agreement at any time during the term of the agreement, if the economic viability of the contract area is found to be inadequate to justify large-scale mining operations, after proper notice to the Secretary as provided for under the implementing rules and regulations: *Provided*, That the mineral agreement shall only be for the remaining period of the original agreement.

In the case of a foreign contractor, it shall reduce its equity to 40 percent in the corporation, partnership, association, or cooperative. Upon compliance with this requirement by the contractor, the Secretary shall approve the conversion and execute the mineral production-sharing agreement.

SEC. 40. Assignment/Transfer. – A financial or technical assistance agreement may be assigned or transferred, in whole or in part, to a qualified person subject to the prior approval of the President:

Provided, That the President shall notify Congress of every financial or technical assistance agreement assigned or converted in accordance with this provision within 30 days from the date of the approval thereof.

SEC. 41. *Withdrawal from Financial or Technical Assistance Agreement.* – The contractor shall manifest in writing to the Secretary his intention to withdraw from the agreement, if in his judgment the mining project is no longer economically feasible, even after he has exerted reasonable diligence to remedy the cause or the situation. The Secretary may accept the withdrawal: *Provided*, That the contractor has complied or satisfied all his financial, fiscal or legal obligations.

CHAPTER VII

SMALL-SCALE MINING

SECTION 42. *Small-Scale Mining.* – Small-scale mining shall continue to be governed by Republic Act No. 7076 and other pertinent laws.

CHAPTER VIII

QUARRY RESOURCES

SECTION 43. *Quarry Permit.* – Any qualified person may apply to the provincial/city mining regulatory board for a quarry permit on privately-owned lands and/or public lands for building and construction materials such as marble, basalt, andesite, conglomerate, tuff, adobe, granite, gabbro, serpentine, inset filling materials, clay for ceramic tiles and building bricks, pumice, perlite and other similar materials that are extracted by quarrying from the ground. The provincial governor shall grant the permit after the applicant has complied with all the requirements as prescribed by the rules and regulations.

The maximum area which a qualified person may hold at any one time shall be 5 hectares: *Provided*, That in large-scale quarry operations involving cement raw materials, marble, granite, sand and gravel and construction aggregates, a qualified person and the government may enter into a mineral agreement as defined herein.

A quarry permit shall have a term of five years, renewable for like periods but not to exceed a total term of 25 years. No quarry permit shall be issued or granted on any area covered by a mineral agreement or financial or technical assistance agreement.

SEC. 44. *Quarry Fee and Taxes.* – A permittee shall, during the term of his permit, pay a quarry fee as provided for under the implementing rules and regulations. The permittee shall also pay the excise tax as provided by pertinent laws.

SEC. 45. *Cancellation of Quarry Permit.* – A quarry permit may be cancelled by the provincial governor for violations of the provisions of this Act or its implementing rules and regulations or the terms and conditions of said permit: *Provided*, That before the cancellation of such permit, the holder thereof shall be given the opportunity to be heard in an investigation conducted for the purpose.

SEC. 46. *Commercial Sand and Gravel Permit.* – Any qualified person may be granted a permit by the provincial governor to extract and remove sand and gravel or other loose or unconsolidated materials which are used in their natural state, without undergoing processing from an area of not more than 5 hectares and in such quantities as may be specified in the permit.

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SEC. 47. Industrial Sand and Gravel Permit. – Any qualified person may be granted an industrial sand and gravel permit by the Bureau for the extraction of sand and gravel and other loose or unconsolidated materials that necessitate the use of mechanical processing covering an area of more than 5 hectares at any one time. The permit shall have a term of five years, renewable for a like period but not to exceed a total term of 25 years.

SEC. 48. Exclusive Sand and Gravel Permit. – Any qualified person may be granted an exclusive sand and gravel permit by the provincial governor to quarry and utilize sand and gravel or other loose or unconsolidated materials from public lands for his own use, provided that there will be no commercial disposition thereof.

A mineral agreement or a financial technical assistance agreement contractor shall, however, have the right to extract and remove sand and gravel and other loose unconsolidated materials without need of a permit within the area covered by the mining agreement for the exclusive use in the mining operations: *Provided*, That monthly reports of the quantity of materials extracted therefrom shall be submitted to the mines regional office concerned: *Provided, further*, That said right shall be coterminous with the expiration of the agreement.

Holders of existing mining leases shall likewise have the same rights as that of a contractor: *Provided*, That said right shall be coterminous with the expiry dates of the lease.

SEC. 49. Government Gratuitous Permit. – Any government entity or instrumentality may be granted a gratuitous permit by the provincial governor to extract sand and gravel, quarry or loose unconsolidated materials needed in the construction of building and/or infrastructure for public use or other purposes over an area of not more than 2 hectares for a period coterminous with said construction.

SEC. 50. Private Gratuitous Permit. – Any owner of land may be granted a private gratuitous permit by the provincial governor.

SEC. 51. Guano Permit. – Any qualified person may be granted a guano permit by the provincial governor to extract and utilize loose unconsolidated guano and other organic fertilizer materials in any portion of a municipality where he has established domicile. The permit shall be for specific caves and/or for confined sites with locations verified by the Department's field officer in accordance with existing rules and regulations.

SEC. 52. Gemstone Gathering Permit. – Any qualified person may be granted a non-exclusive gemstone gathering permit by the provincial governor to gather loose stones useful as gemstones in rivers and other locations.

CHAPTER IX

TRANSPORT, SALE AND PROCESSING OF MINERALS

SECTION 53. Ore Transport Permit. – A permit specifying the origin and quantity of non-processed mineral ores or minerals shall be required for their transport. Transport permits shall be issued by the mines regional director who has jurisdiction over the area where the ores were extracted. In the case of mineral ores or minerals being transported from the small-scale mining areas to the custom mills or processing plants, the Provincial Mining Regulatory Board (PMRB) concerned shall formulate their own policies to govern such transport of ores produced by small-scale miners. The absence of a permit shall be considered as *prima facie* evidence of illegal mining and shall be sufficient cause for the Government to confiscate the ores or minerals being transported, the tools and equipment utilized, and the vehicle

containing the same. Ore samples not exceeding 2 metric tons to be used exclusively for assay or pilot test purposes shall be exempted from such requirement.

SEC. 54. Mineral Trading Registration. – No person shall engage in the trading of mineral products, either locally or internationally, unless registered with the Department of Trade and Industry and accredited by the Department, with a copy of said registration submitted to the Bureau.

SEC. 55. Minerals Processing Permit. – No person shall engage in the processing of minerals without first securing a minerals processing permit from the Secretary. Minerals processing permit shall be for a period of five years renewable for like periods but not to exceed a total term of 25 years. In the case of mineral ores or minerals produced by the small-scale miners, the processing thereof as well as the licensing of their custom mills, or processing plants shall continue to be governed by the provisions of Republic Act No. 7076.

SEC. 56. Eligibility of Foreign-Owned/-Controlled Corporation. – A foreign-owned/-controlled corporation may be granted a mineral processing permit.

CHAPTER X

DEVELOPMENT OF MINING COMMUNITIES, SCIENCE AND MINING TECHNOLOGY

SECTION 57. Expenditure for Community Development and Science and Mining Technology. – A contractor shall assist in the development of its mining community, the promotion of the general welfare of its inhabitants, and the development of science and mining technology.

SEC. 58. Credited Activities. – Activities that may be credited as expenditures for development of mining communities, and science and mining technology are the following:

- a. Any activity or expenditure intended to enhance the development of the mining and neighboring communities of a mining operation other than those required or provided for under existing laws, or collective bargaining agreements, and the like; and
- b. Any activity or expenditure directed towards the development of geosciences and mining technology such as, but not limited to, institutional and manpower development, and basic and applied researches. Appropriate supervision and control mechanisms shall be prescribed in the implementing rules and regulations of this Act.

SEC. 59. Training and Development. – A contractor shall maintain an effective program of manpower training and development throughout the term of the mineral agreement and shall encourage and train Filipinos to participate in all aspects of the mining operations, including the management thereof. For highly-technical and specialized mining operations, the contractor may, subject to the necessary government clearances, employ qualified foreigners.

SEC. 60. Use of Indigenous Goods, Services and Technologies. – A contractor shall give preference to the use of local goods, services and scientific and technical resources in the mining operations, where the same are of equivalent quality, and are available on equivalent terms as their imported counterparts.

SEC. 61. Donations/Turnover of Facilities. – Prior to cessation of mining operations occasioned by abandonment or withdrawal of operations, on public lands by the contractor, the latter shall have a period of one year therefrom within which to remove his improvements; otherwise, all the social infrastructure and facilities shall be turned over or donated tax-free to the proper government

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authorities, national or local, to ensure that said infrastructure and facilities are continuously maintained and utilized by the host and neighboring communities.

SEC. 62. *Employment of Filipinos.* – A contractor shall give preference to Filipino citizens in all types of mining employment within the country insofar as such citizens are qualified to perform the corresponding work with reasonable efficiency and without hazard to the safety of the operations. The contractor, however, shall not be hindered from hiring employees of his own selection, subject to the provisions of Commonwealth Act No. 613, as amended, for technical and specialized work which, in his judgment and with the approval of the Director, requires highly-specialized training or long experience in exploration, development or utilization of mineral resources: *Provided*, That in no case shall each employment exceed five years or the payback period as represented in original project study, whichever is longer: *Provided, further*, That each foreigner employed as mine manager, vice president for operations or in an equivalent managerial position in charge of mining, milling, quarrying or drilling operation shall:

- a. Present evidence of his qualification and work experience; or
- b. Shall pass the appropriate government licensure examination; or
- c. In special cases, may be permitted to work by the Director for a period not exceeding one year: *Provided, however*, That if reciprocal privileges are extended to Filipino nationals in the country of domicile, the Director may grant waivers or exemptions.

CHAPTER XI

SAFETY AND ENVIRONMENTAL PROTECTION

SECTION 63. *Mines Safety and Environmental Protection.* – All contractors and permittees shall strictly comply with all the mines safety rules and regulations as may be promulgated by the Secretary concerning the safe and sanitary upkeep of the mining operations and achieve waste-free and efficient mine development. Personnel of the Department involved in the implementation of mines safety, health and environmental rules and regulations shall be covered under Republic Act No. 7305.

SEC. 64. *Mine Labor.* – No person under 16 years of age shall be employed in any phase of mining operations and no person under 18 years of age shall be employed underground in a mine.

SEC. 65. *Mine Supervision.* – All mining and quarrying operations that employ more than 50 workers shall have at least one licensed mining engineer with at least five years of experience in mining operations, and one registered foreman.

SEC. 66. *Mine Inspection.* – The regional director shall have exclusive jurisdiction over the safety inspection of all installations, surface or underground, in mining operations at reasonable hours of the day or night and as much as possible in a manner that will not impede or obstruct work in progress of a contractor or permittee.

SEC. 67. *Power to Issue Orders.* – The mines regional director shall, in consultation with the Environmental Management Bureau, forthwith or within such time as specified in his order, require the contractor to remedy any practice connected with mining or quarrying operations, which is not in accordance with safety and anti-pollution laws and regulations. In case of imminent danger to life or property, the mines regional director may summarily suspend the mining or quarrying operations until the danger is removed, or appropriate measures are taken by the contractor or permittee.

SEC. 68. Report of Accidents. – In case of any incident or accident, causing or creating the danger of loss of life or serious physical injuries, the person in charge of operations shall immediately report the same to the regional office where the operations are situated. Failure to report the same without justifiable reason shall be a cause for the imposition of administrative sanctions prescribed in the rules and regulations implementing this Act.

SEC. 69. Environmental Protection. – Every contractor shall undertake an environmental protection and enhancement program covering the period of the mineral agreement or permit. Such environmental program shall be incorporated in the work program which the contractor or permittee shall submit as an accompanying document to the application for a mineral agreement or permit. The work program shall include not only plans relative to mining operations but also to rehabilitation, regeneration, revegetation and reforestation of mineralized areas, slope stabilization of mined-out and tailings covered areas, aquaculture, watershed development and water conservation; and socioeconomic development.

SEC. 70. Environmental Impact Assessment (EIA). – Except during the exploration period of a mineral agreement or financial or technical assistance agreement or an exploration permit, an environmental clearance certificate shall be required based on an environmental impact assessment and procedures under the Philippine Environmental Impact Assessment System including Sections 26 and 27 of the Local Government Code of 1991 which require national government agencies to maintain ecological balance, and prior consultation with the local government units, non-governmental and people’s organizations and other concerned sectors of the community: *Provided*, That a completed ecological profile of the proposed mining area shall also constitute part of the environmental impact assessment. People’s organizations and non-governmental organizations shall be allowed and encouraged to participate in ensuring that contractors/permittees shall observe all the requirements of environmental protection.

SEC. 71. Rehabilitation. – Contractors and permittees shall technically and biologically rehabilitate the excavated, mined-out, tailings covered and disturbed areas to the condition of environmental safety, as may be provided in the implementing rules and regulations of this Act. A mine rehabilitation fund shall be created, based on the contractor’s approved work program, and shall be deposited as a trust fund in a government depository bank and used for physical and social rehabilitation of areas and communities affected by mining activities and for research on the social, technical and preventive aspects of rehabilitation. Failure to fulfill the above obligation shall mean immediate suspension or closure of the mining activities of the contractor/permittee concerned.

CHAPTER XII

AUXILIARY MINING RIGHTS

SECTION 72. Timber Rights. – Any provision of law to the contrary notwithstanding, a contractor may be granted a right to cut trees or timber within his mining area as may be necessary for his mining operations subject to forestry laws, rules and regulations: *Provided*, That if the land covered by the mining area is already covered by existing timber concessions, the volume of timber needed and the manner of cutting and removal thereof shall be determined by the mines regional director, upon consultation with the contractor, the timber concessionaire/permittee and the Forest Management Bureau of the Department: *Provided, further*, That in case of disagreement between the contractor and the timber concessionaire, the matter shall be submitted to the Secretary whose decision shall be final. The contractor shall perform reforestation work within his mining area in accordance with forestry laws, rules and regulations.

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SEC. 73. Water Rights. – A contractor shall have water rights for mining operations upon approval of application with the appropriate government agency in accordance with existing water laws, rules and regulations promulgated thereunder: *Provided*, That water rights already granted or vested through long use, recognized and acknowledged by local customs, laws, and decisions of courts shall not thereby be impaired: *Provided, further*, That the Government reserves the right to regulate water rights and the reasonable and equitable distribution of water supply so as to prevent the monopoly of the use thereof.

SEC. 74. Right to Possess Explosives. – A contractor/exploration permittee shall have the right to possess and use explosives within his contract/permit area as may be necessary for his mining operations upon approval of application with the appropriate government agency in accordance with existing laws, rules and regulations promulgated thereunder: *Provided*, That the Government reserves the right to regulate and control the explosive accessories to ensure safe mining operations.

SEC. 75. Easement Rights. – When mining areas are so situated that for purposes of more convenient mining operations it is necessary to build, construct or install on the mining areas or lands owned, occupied or leased by other persons, such infrastructure as roads, railroads, mills, waste dump sites, tailings ponds, warehouses, staging or storage areas and port facilities, tramways, runways, airports, electric transmission, telephone or telegraph lines, dams and their normal flood and catchment areas, sites for water wells, ditches, canals, new river beds, pipelines, flumes, cuts, shafts, tunnels, or mills, the contractor, upon payment of just compensation, shall be entitled to enter and occupy said mining areas or lands.

SEC. 76. Entry into Private Lands and Concession Areas. – Subject to prior notification, holders of mining rights shall not be prevented from entry into private lands and concession areas by surface owners, occupants, or concessionaires when conducting mining operations therein: *Provided*, That any damage done to the property of the surface owner, occupant, or concessionaire as a consequence of such operations shall be properly compensated as may be provided for in the implementing rules and regulations: *Provided, further*, That to guarantee such compensation, the person authorized to conduct mining operation shall, prior thereto, post a bond with the regional director based on the type of properties, the prevailing prices in and around the area where the mining operations are to be conducted, with surety or sureties satisfactory to the regional director.

CHAPTER XIII

SETTLEMENT OF CONFLICTS

SECTION 77. Panel of Arbitrators. – There shall be a panel of arbitrators in the regional office of the Department composed of three members, two of whom must be members of the Philippine Bar in good standing and one a licensed mining engineer or a professional in a related field, and duly designated by the Secretary as recommended by the Mines and Geosciences Bureau Director. Those designated as members of the panel shall serve as such in addition to their work in the Department without receiving any additional compensation As much as practicable, said members shall come from the different bureaus of the Department in the region. The presiding officer thereof shall be selected by the drawing of lots. His tenure as presiding officer shall be on a yearly basis. The members of the panel shall perform their duties and obligations in hearing and deciding cases until their designation is withdrawn or revoked by the Secretary. Within 30 working days, after the submission of the case by the parties for decision, the panel shall have exclusive and original jurisdiction to hear and decide on the following:

- a. Disputes involving rights to mining areas;
- b. Disputes involving mineral agreements or permits;

- c. Disputes involving surface owners, occupants and claimholders/concessionaires; and
- d. Disputes pending before the Bureau and the Department at the date of the effectivity of this Act.

SEC. 78. Appellate Jurisdiction. – The decision or order of the panel of arbitrators may be appealed by the party not satisfied thereto to the Mines Adjudication Board within 15 days from receipt thereof which must decide the case within 30 days from submission thereof for decision.

SEC. 79. Mines Adjudication Board. – The Mines Adjudication Board shall be composed of three members. The Secretary shall be the chairman with the Director of the Mines and Geosciences Bureau and the Undersecretary for Operations of the Department as members thereof. The Board shall have the following powers and functions:

- a. To promulgate rules and regulations governing the hearing and disposition of cases before it, as well as those pertaining to its internal functions, and such rules and regulations as may be necessary to carry out its functions;
- b. To administer oaths, summon the parties to a controversy, issue *subpoenas* requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, statement of accounts, agreements, and other documents as may be material to a just determination of the matter under investigation, and to testify in any investigation or hearing conducted in pursuance of this Act;
- c. To conduct hearings on all matters within its jurisdiction, proceed to hear and determine the disputes in the absence of any party thereto who has been summoned or served with notice to appear, conduct its proceedings or any part thereof in public or in private, adjourn its hearings at any time and place, refer technical matters or accounts to an expert and to accept his report as evidence after hearing of the parties upon due notice, direct parties to be joined in or excluded from the proceedings, correct, amend, or waive any error, defect or irregularity, whether in substance or in form, give all such directions as it may deem necessary or expedient in the determination of the dispute before it, and dismiss the mining dispute as part thereof, where it is trivial or where further proceedings by the Board are not necessary or desirable:
 - 1. To hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor; and
 - 2. To enjoin any or all acts involving or arising from any case pending before it which, if not restrained forthwith, may cause grave or irreparable damage to any of the parties to the case or seriously affect social and economic stability.

In any proceeding before the Board, the rules of evidence prevailing in courts of law or equity shall not be controlling and it is the spirit and intention of this Act that shall govern. The Board shall use every and all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure, all in the interest of due process. In any proceeding before the Board, the parties may be represented by legal counsel. The findings of fact of the Board shall be conclusive and binding on the parties and its decision or order shall be final and executory.

A petition for review by *certiorari* and question of law may be filed by the aggrieved party with the Supreme Court within 30 days from receipt of the order or decision of the Board.

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CHAPTER XIV

GOVERNMENT SHARE

SECTION 80. *Government Share in Mineral Production Sharing Agreement.* – The total government share in a mineral production sharing agreement shall be the excise tax on mineral products as provided in Republic Act No. 7729, amending Section 151(a) of the National Internal Revenue Code, as amended.

SEC. 81. *Government Share in Other Mineral Agreements.* – The share of the Government in co-production and joint-venture agreements shall be negotiated by the Government and the contractor taking into consideration the:

- a. capital investment of the project;
- b. risks involved;
- c. contribution of the project to the economy; and
- d. other factors that will provide for a fair and equitable sharing between the government and the contractor.

The Government shall also be entitled to compensations for its other contributions which shall be agreed upon by the parties, and shall consist [of], among other things, the contractor's income tax, excise tax, special allowance, withholding tax due from the contractor's foreign stockholders arising from dividend or interest payments to the said foreign stockholders, in case of a foreign national, and all such other taxes, duties and fees as provided for under existing laws.

The government share in financial or technical assistance agreement shall consist of, among other things, the contractor's corporate income tax, excise tax, special allowance, withholding tax due from the contractor's foreign stockholders arising from dividend or interest payments to the said foreign stockholder in case of a foreign national and all such other taxes, duties and fees as provided for under existing laws.

The collection of government share in financial or technical assistance agreement shall commence after the financial or technical assistance agreement contractor has fully recovered its pre-operating expenses, exploration, and development expenditures, inclusive.

Sec. 82. *Allocation of Government Share.* – The Government share as referred to in the preceding sections shall be shared and allocated in accordance with Sections 290 and 292 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991. In case the development and utilization of mineral resources is undertaken by a government-owned or -controlled corporation, the sharing and allocation shall be in accordance with Sections 291 and 292 of the said Code.

CHAPTER XV

TAXES AND FEES

SECTION 83. *Income Taxes.* – After the lapse of the income tax holiday as provided for in the Omnibus Investments Code, the contractor shall be liable to pay income tax as provided in the National Internal Revenue Code, as amended.

SEC. 84. *Excise Tax on Mineral Products.* – The contractor shall be liable to pay the excise tax on mineral products as provided for under Section 151 of the National Internal Revenue Code: *Provided, however,*

That with respect to a mineral production sharing agreement, the excise tax on mineral products shall be the government share under said agreement.

SEC. 85. Mine Wastes and Tailings Fees. – A semi-annual fee to be known as mine wastes and tailings fee is hereby imposed on all operating mining companies in accordance with the implementing rules and regulations. The mine wastes and tailings fee shall accrue to a reserve fund to be used exclusively for payment for damages to:

- a. Lives and personal safety;
- b. Lands, agricultural crops and forest products, marine life and aquatic resources, cultural resources; and
- c. Infrastructure and the revegetation and rehabilitation of silted farm lands and other areas devoted to agriculture and fishing caused by mining pollution.

This is in addition to the suspension or closure of the activities of the contractor at any time and the penal sanctions imposed upon the same.

The Secretary is authorized to increase mine wastes and tailings fees, when public interest so requires, upon the recommendation of the Director.

SEC. 86. Occupation Fees. – There shall be collected from any holder of a mineral agreement, financial or technical assistance agreement or exploration permit on public or private lands, an annual occupation fee in accordance with the following schedule:

- a. *For exploration permit.* – Five pesos (P5) per hectare or fraction thereof per annum;
- b. *For mineral agreements and financial or technical assistance agreements.* – Fifty Pesos (P50) per hectare or fraction thereof per annum; and
- c. *For mineral reservation.* – One Hundred Pesos (P100) per hectare or fraction thereof per annum.

The Secretary is authorized to increase the occupation fees provided herein when the public interest so requires, upon recommendation of the Bureau Director.

SEC. 87. Manner of Payment of Fees. – The fees shall be paid on the date the mining agreement is registered with the appropriate office and on the same date every year thereafter. It shall be paid to the treasurer of the municipality or city where the onshore mining areas are located, or to the Director in case of offshore mining areas. For this purpose, the appropriate officer shall submit to the treasurer of the municipality or city where the onshore mining area is located, a complete list of all onshore mining rights registered with his office, indicating therein the names of the holders, area in hectares, location, and date registered. If the fee is not paid on the date specified, it shall be increased by 25 percent.

SEC. 88. Allocation of Occupation Fees. – Thirty *per centum* of all occupational fees collected from holders of mining rights in onshore mining areas shall accrue to the province and 70 percent to the municipality in which the onshore mining areas are located. In a chartered city, the full amount shall accrue to the city concerned.

SEC. 89. Filing Fees and Other Charges. – The Secretary is authorized to charge reasonable filing fees and other charges as he may prescribe in accordance with the implementing rules and regulations.

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CHAPTER XVI

INCENTIVES

SECTION 90. Incentives. – The contractors in mineral agreements, and financial or technical assistance agreements shall be entitled to the applicable fiscal and non-fiscal incentives as provided for under Executive Order No. 226, otherwise known as the Omnibus Investments Code of 1987. *Provided*, That holders of exploration permits may register with the Board of Investments and be entitled to the fiscal incentives granted under the said Code for the duration of the permits or extensions thereof: *Provided, further*, That mining activities shall always be included in the investment priorities plan.

SEC. 91. Incentives for Pollution Control Devices. – Pollution control devices acquired, constructed or installed by contractors shall not be considered as improvements on the land or building where they are placed, and shall not be subject to real property and other taxes or assessments: *Provided, however*, That payment of mine wastes and tailings fees is not exempted.

SEC. 92. Income Tax-Carry Forward of Losses. – A net operating loss without the benefit of incentives incurred in any of the first 10 years of operations may be carried over as a deduction from taxable income for the next five years immediately following the year of such loss. The entire amount of the loss shall be carried over to the first of the five taxable years following the loss, and any portion of such loss which exceeds the taxable income of such first year shall be deducted in like manner from the taxable income of the next remaining four years.

SEC. 93. Income Tax-Accelerated Depreciation. – Fixed assets may be depreciated as follows:

- a. To the extent of not more than twice as fast as the normal rate of depreciation or depreciated at normal rate of depreciation if the expected life is 10 years or less; or
- b. Depreciated over any number of years between five years and the expected life if the latter is more than 10 years, and the depreciation thereon allowed as deduction from taxable income: *Provided*, That the contractor notifies the Bureau of Internal Revenue at the beginning of the depreciation period which depreciation rate allowed by this Section will be used.

In computing for taxable income, unless otherwise provided in this Act, the contractor may, at his option, deduct exploration and development expenditures accumulated at cost as of the date of the prospecting or exploration and development expenditures paid or incurred during the taxable year: *Provided*, That the total amount deductible for exploration and development expenditures shall not exceed 25 percent of the net income from mining operations. The actual exploration and development expenditures minus the 25 percent net income from mining shall be carried forward to the succeeding years until fully deducted.

Net income from mining operation is defined as gross income from operations less allowable deductions which are necessary or related to mining operations. Allowable deductions shall include mining, milling and marketing expenses, depreciation of properties directly used in the mining operations. This paragraph shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowances for depreciation.

SEC. 94. Investment Guarantees. – The contractor shall be entitled to the basic rights and guarantees provided in the Constitution and such other rights recognized by the government as enumerated hereunder:

- a. *Repatriation of investments.* – The right to repatriate the entire proceeds of the liquidation of the foreign investment in the currency in which the investment was originally made and at the exchange rate prevailing at the time of repatriation.
- b. *Remittance of earnings.* – The right to remit earnings from the investment in the currency in which the foreign investment was originally made and at the exchange rate prevailing at the time of remittance.
- c. *Foreign loans and contracts.* – The right to remit at the exchange rate prevailing at the time of remittance such sums as may be necessary to meet the payments of interest and principal on foreign loans and foreign obligations arising from financial or technical assistance contracts.
- d. *Freedom from expropriation.* – The right to be free from expropriation by the government of the property represented by investments or loans, or of the property of the enterprise except for public use or in the interest of national welfare or defense and upon payment of just compensation. In such cases, foreign investors or enterprises shall have the right to remit sums received as compensation for the expropriated property in the currency in which the investment was originally made and at the exchange rate prevailing at the time of remittance.
- e. *Requisition of investment.* – The right to be free from requisition of the property represented by the investment or of the property of the enterprises except in case of war or national emergency and only for the duration thereof. Just compensation shall be determined and paid either at the time or immediately after cessation of the state of war or national emergency. Payments received as compensation for the requisitioned property may be remitted in the currency in which the investments were originally made and at the exchange rate prevailing at the time of remittance.
- f. *Confidentiality.* – Any confidential information supplied by the contractor pursuant to this Act and its implementing rules and regulations shall be treated as such by the Department and the Government, and during the term of the project to which it relates.

CHAPTER XVII

GROUND FOR CANCELLATION, REVOCATION, AND TERMINATION

SECTION 95. *Late or Non-filing of Requirements.* – Failure of the permittee or contractor to comply with any of the requirements provided in this Act or in its implementing rules and regulations, without a valid reason, shall be sufficient ground for the suspension of any permit or agreement provided under this Act.

SEC. 96. *Violation of the Terms and Conditions of Permits or Agreements.* – Violation of the terms and conditions of the permits or agreements shall be a sufficient ground for cancellation of the same.

SEC. 97. *Non-Payment of Taxes and Fees.* – Failure to pay the taxes and fees due the Government for two consecutive years shall cause the cancellation of the exploration permit, mineral agreement, financial or technical assistance agreement and other agreements and the re-opening of the area subject thereof to new applicants.

SEC. 98. *Suspension or Cancellation of Tar Incentives and Credits.* – Failure to abide by the terms and conditions of tax incentive and credits shall cause the suspension or cancellation of said incentives and credits.

SEC. 99. *Falsehood or Omission of Facts in the Statement.* – All statements made in the exploration permit, mining agreement and financial or technical assistance agreement shall be considered as

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conditions and essential parts thereof and any falsehood in said statements or omission of facts therein which may alter, change or affect substantially the facts set forth in said statements may cause the revocation and termination of the exploration permit, mining agreement and financial or technical assistance agreement.

CHAPTER XVIII

ORGANIZATIONAL AND INSTITUTIONAL ARRANGEMENTS

SECTION 100. *From Staff Bureau to Line Bureau.* – The Mines and Geosciences Bureau is hereby transformed into a line bureau consistent with Section 9 of this Act: *Provided*, That under the Mines and Geosciences Bureau shall be the necessary mines regional, district and other pertinent offices – the number and specific functions of which shall be provided in the implementing rules and regulations of this Act.

CHAPTER XIX

PENAL PROVISIONS

SECTION 101. *False Statements.* – Any person who knowingly presents any false application, declaration, or evidence to the Government or publishes or causes to be published any prospectus or other information containing any false statement relating to mines, mining operations or mineral agreements, financial or technical assistance agreements and permits shall, upon conviction, be penalized by a fine of not exceeding Ten thousand Pesos (P10,000).

SEC. 102. *Illegal Exploration.* – Any person undertaking exploration work without the necessary exploration permit shall, upon conviction, be penalized by a fine of not exceeding Fifty Thousand Pesos (P50,000).

SEC. 103. *Theft of Minerals.* – Any person extracting minerals and disposing the same without a mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants shall, upon conviction, be imprisoned from six months to six years or pay a fine from Ten Thousand Pesos (P10,000) to Twenty Thousand Pesos (P20,000) or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of. In the case of associations, partnerships, or corporations, the president and each of the directors thereof shall be responsible for the acts committed by such association, corporation, or partnership.

SEC. 104. *Destruction of Mining Structures.* – Any person who willfully destroys or damages structures in or on the mining area or on the mill sites shall, upon conviction, be imprisoned for a period not to exceed five years and shall, in addition, pay compensation for the damages which may have been caused thereby.

SEC. 105. *Mines Arson.* – Any person who willfully sets fire to any mineral stockpile, mine or workings, fittings or a mine, shall be guilty of arson and shall be punished, upon conviction, by the appropriate court in accordance with the provisions of the Revised Penal Code and shall, in addition, pay compensation for the damages caused thereby.

SEC. 106. *Willful Damage to a Mine.* – Any person who willfully damages a mine, unlawfully causes water to run into a mine, or obstructs any shaft or passage to a mine, or renders useless, damages or

destroys any machine, appliance, apparatus, rope, chain, tackle, or any other things used in a mine, shall be punished, upon conviction, by the appropriate court, by imprisonment not exceeding a period of five years and shall, in addition, pay compensation for the damages caused thereby.

SEC. 107. *Illegal Obstruction to Permittees or Contractors.* – Any person who, without justifiable cause, prevents or obstructs the holder of any permit, agreement or lease from undertaking his mining operations shall be punished, upon conviction by the appropriate court, by a fine not exceeding Five Thousand Pesos (P5,000) or imprisonment not exceeding one year, or both, at the discretion of the court.

SEC. 108. *Violation of the Terms and Conditions of the Environmental Compliance Certificate.* – Any person who willfully violates or grossly neglects to abide by the terms and conditions of the environmental compliance certificate issued to said person and which causes environmental damage through pollution shall suffer the penalty of imprisonment of six months to six years or a fine of Fifty Thousand Pesos (P50,000) to Two Hundred Thousand Pesos (P200,000), or both, at the discretion of the court.

SEC. 109. *Illegal Obstruction to Government Officials.* – Any person who illegally prevents or obstructs the Secretary, the Director or any of their representatives in the performance of their duties under the provisions of this Act and of the regulations promulgated hereunder shall be punished upon conviction, by the appropriate court, by a fine not exceeding Five Thousand Pesos (P5,000) or by imprisonment not exceeding one year, or both, at the discretion of the court.

SEC. 110. *Other Violations.* – Any other violation of this Act and its implementing rules and regulations shall constitute an offense punishable with a fine not exceeding Five Thousand Pesos (P5,000).

SEC. 111. *Fines.* – The Secretary is authorized to charge fines for late or non-submission of reports in accordance with the implementing rules and regulations of this Act.

CHAPTER XX

TRANSITORY AND MISCELLANEOUS PROVISIONS

SECTION 112. *Non-Impairment of Existing Mining/Quarrying Rights.* – All valid and existing mining lease contracts, permits/licenses, leases pending renewal, mineral production-sharing agreements granted under Executive Order No. 279, at the date of effectivity of this Act, shall remain valid, shall not be impaired, and shall be recognized by the government: *Provided*, That the provisions of Chapter XIV on government share in mineral production-sharing agreement and of Chapter XVI on incentives of this Act shall immediately govern and apply to a mining lessee or contractor unless the mining lessee or contractor indicates his intention to the Secretary, in writing, not to avail of said provisions: *Provided, further*, That no renewal of mining lease contracts shall be made after the expiration of its term: *Provided, finally*, That such leases, production-sharing agreements, financial or technical assistance agreements shall comply with the applicable provisions of this Act and its implementing rules and regulations.

SEC. 113. *Recognition of Valid and Existing Mining Claims and Lease/Quarry Applications.* – Holders of valid and existing mining claims, lease/quarry applications shall be given preferential rights to enter into any mode of mineral agreement with the government within two years from the promulgation of the rules and regulations implementing this Act.

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SEC. 114. *Separability Clause.* – If any of the provision of this Act is held or declared to be unconstitutional or invalid by a competent court, the other provisions hereof shall continue to be in force as if the provision so annulled or voided had never been incorporated in this Act.

SEC. 115. *Repealing and Amending Clause.* – All laws, executive orders, presidential decrees, rules and regulations or parts thereof which are inconsistent with any of the provisions of this Act are hereby repealed or amended accordingly.

SEC. 116. *Effectivity Clause.* – This Act shall take effect 30 days following its complete publication in two newspapers of general circulation in the Philippines.

Approved: March 3, 1995.

REPUBLIC ACT No. 8371
AN ACT TO RECOGNIZE, PROTECT AND PROMOTE
THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLE,
CREATING A NATIONAL COMMISSION OF INDIGENOUS PEOPLE, ESTABLISHING IMPLEMENTING
MECHANISMS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

CHAPTER I

GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as “*The Indigenous Peoples’ Rights Act of 1997.*”

SEC. 2. Declaration of State Policies. – The State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) hereunder enumerated within the framework of the Constitution:

- a) The State shall recognize and promote the rights of ICCs/IPs within the framework of national unity and development;
- b) The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well-being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain;
- c) The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies;
- d) The State shall guarantee that members of the ICCs/IPs regardless of sex, shall equally enjoy the full measure of human rights and freedoms without distinctions or discriminations;
- e) The State shall take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population; and
- f) The State recognizes its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICC/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.

Towards these ends, the State shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, their rights to their ancestral domains.

CHAPTER II

DEFINITION OF TERMS

SECTION 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

- a) *Ancestral Domains.* – Subject to Section 56 hereof, refers to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim

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of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral land, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which their traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;

- b) *Ancestral Lands*. – Subject to Section 56 hereof, refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots;
- c) *Certificate of Ancestral Domain Title*. – Refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with this law;
- d) *Certificate of Ancestral Lands Title*. – Refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands;
- e) *Communal Claims* - refers to claims on land, resources and rights thereon, belonging to the whole community within a defined territory;
- f) *Customary Laws*. – Refers to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted and observed by respective ICCs/IPs;
- g) *Free and Prior Informed Consent*. – As used in this Act shall mean the consensus of all members of the ICCs/IPs to; be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language an process understandable to the community;
- h) *Indigenous Cultural Communities/Indigenous Peoples*. – Refers to a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

- i) *Indigenous Political Structures.* – Refers to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified by ICCs/IPs such as, but not limited to, Council of Elders, Council of Timuays, Bodong Holder, or any other tribunal or body of similar nature;
- j) *Individual Claims.* – Refers to claims on land and rights thereon which have been devolved to individuals, families and clans including, but not limited to, residential lots, rice terraces or paddies and tree lots;
- k) *National Commission on Indigenous Peoples (NCIP).* – Refers to the office created under this Act, which shall be under the Office of the President, and which shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to recognize, protect and promote the rights of ICCs/IPs;
- l) *Native Title.* – Refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest;
- m) *Non-government Organization.* – Refers to a private, nonprofit voluntary organization that has been organized primarily for the delivery of various services to the ICCs/IPs and has an established track record for effectiveness and acceptability in the community where it serves;
- n) *People’s Organization.* – Refers to a private, non-profit voluntary organization of members of an ICC/IP which is accepted as representative of such ICCs/IPs;
- o) *Sustainable Traditional Resource Rights.* – Refers to the rights of ICCs/IPs to sustainably use, manage, protect and conserve (a) land, air, water, and minerals; (b) plants, animals and other organisms; (c) collecting, fishing and hunting grounds; (d) sacred sites; and (e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, beliefs, systems and practices; and
- p) *Time Immemorial.* – Refers to a period of time when as far back as memory can go, certain ICCs/IPs are known to have occupied, possessed in the concept of owner, and utilized a defined territory devolved to them, by operation of customary law or inherited from their ancestors, in accordance with their customs and traditions.

CHAPTER III

RIGHTS TO ANCESTRAL DOMAINS

SECTION 4. *Concept of Ancestral Lands/Domains.* – Ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.

Sec. 5. *Indigenous Concept of Ownership.* – Indigenous concept of ownership sustains the view that ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC’s/IP’s private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. It likewise covers sustainable traditional resource rights.

Sec. 6. *Composition of Ancestral Lands/Domains.* – Ancestral lands and domains shall consist of all areas generally belonging to ICCs/IPs as referred under Section 3, items (a) and (b) of this Act.

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SEC. 7. Rights to Ancestral Domains. – The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:

- a. *Rights of Ownership.* – The right to claim ownership over lands, bodies of water traditionally and actually occupied by ICCs/IPs, sacred places, traditional hunting and fishing grounds, and all improvements made by them at any time within the domains;
- b. *Right to Develop Lands and Natural Resources.* – Subject to Section 56 hereof, right to develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they sustain as a result of the project; and the right to effective measures by the government to prevent any interfere with, alienation and encroachment upon these rights;
- c. *Right to Stay in the Territories.* – The right to stay in the territory and not be removed therefrom. No ICCs/IPs will be relocated without their free and prior informed consent, nor through any means other than eminent domain. Where relocation is considered necessary as an exceptional measure, such relocation shall take place only with the free and prior informed consent of the ICCs/IPs concerned and whenever possible, they shall be guaranteed the right to return to their ancestral domains, as soon as the grounds for relocation cease to exist. When such return is not possible, as determined by agreement or through appropriate procedures, ICCs/IPs shall be provided in all possible cases with lands of quality and legal status at least equal to that of the land previously occupied by them, suitable to provide for their present needs and future development. Persons thus relocated shall likewise be fully compensated for any resulting loss or injury;
- d. *Right in Case of Displacement.* – In case displacement occurs as a result of natural catastrophes, the State shall endeavor to resettle the displaced ICCs/IPs in suitable areas where they can have temporary life support system: *Provided,* That the displaced ICCs/IPs shall have the right to return to their abandoned lands until such time that the normalcy and safety of such lands shall be determined: *Provided, further,* That should their ancestral domain cease to exist and normalcy and safety of the previous settlements are not possible, displaced ICCs/IPs shall enjoy security of tenure over lands to which they have been resettled: *Provided, furthermore,* That basic services and livelihood shall be provided to them to ensure that their needs are adequately addressed;
- e. *Right to Regulate Entry of Migrants.* – The right to regulate the entry of migrant settlers and organizations into the domains;
- f. *Right to Safe and Clean Air and Water.* – For this purpose, the ICCs/IPs shall have access to integrated systems for the management of their inland waters and air space;
- g. *Right to Claim Parts of Reservations.* – The right to claim parts of the ancestral domains which have been reserved for various purposes, except those reserved and intended for common and public welfare and service; and
- h. *Right to Resolve Conflict.* – Right to resolve land conflicts in accordance with customary laws of the area where the land is located, and only in default thereof shall the complaints be submitted to amicable settlement and to the Courts of Justice whenever necessary.

SEC. 8. *Rights to Ancestral Lands.* – The right of ownership and possession of the ICCs/IPs, to their ancestral lands shall be recognized and protected.

- a. *Right to transfer land/property.* – Such right shall include the right to transfer land or property rights to/among members of the same ICCs/IPs, subject to customary laws and traditions of the community concerned.
- b. *Right to Redemption.* – In cases where it is shown that the transfer of land/property rights by virtue of any agreement or devise, to a non-member of the concerned ICCs/IPs is tainted by the vitiated consent of the ICCs/IPs, or is transferred for an unconscionable consideration or price, the transferor ICC/IP shall have the right to redeem the same within a period not exceeding 15 years from the date of transfer.

SEC. 9. *Responsibilities of ICCs/IPs to Their Ancestral Domains.* – ICCs/IPs occupying a duly certified ancestral domain shall have the following responsibilities:

- a. *Maintain Ecological Balance.* – To preserve, restore, and maintain a balanced ecology in the ancestral domain by protecting the flora and fauna, watershed areas, and other reserves;
- b. *Restore Denuded Areas.* – To actively initiate, undertake and participate in the reforestation of denuded areas and other development programs and projects subject to just and reasonable remuneration; and
- c. *Observe Laws.* – To observe and comply with the provisions of this Act and the rules and regulations for its effective implementation.

SEC. 10. *Unauthorized and Unlawful Intrusion.* – Unauthorized and unlawful intrusion upon, or use of any portion of the ancestral domain, or any violation of the rights herein before enumerated, shall be punishable under this law. Furthermore, the government shall take measures to prevent non-ICCs/IPs from taking advantage of the ICCs/IPs customs or lack of understanding of laws to secure ownership, possession of land belonging to said ICCs/IPs.

SEC. 11. *Recognition of Ancestral Domain Rights.* – The rights of ICCs/IPs to their ancestral domains by virtue of Native Title shall be recognized and respected. Formal recognition, when solicited by ICCs/IPs concerned, shall be embodied in a Certificate of Ancestral Domain Title (CADT), which shall recognize the title of the concerned ICCs/IPs over the territories identified and delineated.

SEC. 12. *Option to Secure Certificate of Title under Commonwealth Act No. 141, as amended, or the Land Registration Act No. 496.* – Individual members of cultural communities, with respect to individually-owned ancestral lands who, by themselves or through their predecessors-in-interest, have been in continuous possession and occupation of the same in the concept of owner since the immemorial or for a period of not less than 30 years immediately preceding the approval of this Act and uncontested by the members of the same ICCs/IPs shall have the option to secure title to their ancestral lands under the provisions of Commonwealth Act No. 141, as amended, or the Land Registration Act No. 496.

For this purpose, said individually-owned ancestral lands, which are agricultural in character and actually used for agricultural, residential, pasture, and tree farming purposes, including those with a slope of 18 percent or more, are hereby classified as alienable and disposable agricultural lands.

The option granted under this Section shall be exercised within 20 years from the approval of this Act.

CHAPTER IV

RIGHT TO SELF-GOVERNANCE AND EMPOWERMENT

SECTION 13. *Self-Governance.* – The State recognizes the inherent right of ICCs/IPs to self-governance and self-determination and respects the integrity of their values, practices and institutions. Consequently, the State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development.

SEC. 14. *Support for Autonomous Regions.* – The State shall continue to strengthen and support the autonomous regions created under the Constitution as they may require or need. The State shall likewise encourage other ICCs/IPs not included or outside Muslim Mindanao and the Cordilleras to use the form and content of their ways of life as may be compatible with the fundamental rights defined in the Constitution of the Republic of the Philippines and other internationally recognized human rights.

SEC. 15. *Justice System, Conflict Resolution Institutions and Peace Building Processes.* – The ICCs/IPs shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights.

SEC. 16. *Right to Participate in Decision-Making.* – ICCs/IPs have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils.

SEC. 17. *Right to Determine and Decide Priorities for Development.* – The ICCs/IPs shall have the right to determine and decide their own priorities for development affecting their lives, beliefs, institutions, spiritual well-being, and the lands they own, occupy or use. They shall participate in the formulation, implementation and evaluation of policies, plans and programs for national, regional and local development which may directly affect them.

SEC. 18. *Tribal Barangays.* – The ICCs/IPs living in contiguous areas or communities where they form the predominant population but which are located in municipalities, provinces or cities where they do not constitute the majority of the population, may form or constitute a separate *barangay* in accordance with the Local Government Code on the creation of tribal barangays.

SEC. 19. *Role of Peoples Organizations.* – The State shall recognize and respect the role of independent ICCs/IPs organizations to enable the ICCs/IPs to pursue and protect their legitimate and collective interests and aspirations through peaceful and lawful means.

SEC. 20. *Means for Development /Empowerment of ICCs/IPs.* – The government shall establish the means for the full development/empowerment of the ICCs/IPs own institutions and initiatives and, where necessary, provide the resources needed therefor.

CHAPTER V

SOCIAL JUSTICE AND HUMAN RIGHTS

SECTION 21. *Equal Protection and Non-discrimination of ICCs/IPs.* – Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Human Rights Law, the State shall, with due recognition of their distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. It shall extend to them the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society. Accordingly, the State shall likewise ensure that the employment of any form of force of coercion against ICCs/IPs shall be dealt with by law.

The State shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution and relevant international instruments are guaranteed also to indigenous women. Towards this end, no provision in this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application.

SEC. 22. *Rights during Armed Conflict.* – ICCs/IPs have the right to special protection and security in periods of armed conflict. The State shall observe international standards, in particular, the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not recruit members of the ICCs/IPs against their will into armed forces, and in particular, for the use against other ICCs/IPs; not recruit children of ICCs/IPs into the armed forces under any circumstance; nor force indigenous individuals to abandon their lands, territories and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

SEC. 23. *Freedom from Discrimination and Right to Equal Opportunity and Treatment.* – It shall be the right of the ICCs/IPs to be free from any form of discrimination, with respect to recruitment and conditions of employment, such that they may enjoy equal opportunities as other occupationally-related benefits, informed of their rights under existing labor legislation and of means available to them for redress, not subject to any coercive recruitment systems, including bonded labor and other forms of debt servitude; and equal treatment in employment for men and women, including the protection from sexual harassment.

Towards this end, the State shall within the framework of national laws and regulations, and in cooperation with the ICCs/IPs concerned, adopt special measures to ensure the effective protection with regard to the recruitment and conditions of employment of persons belonging to these communities, to the extent that they are not effectively protected by the laws applicable to workers in general.

ICCs/IPs shall have the right to association and freedom for all trade union activities and the right to conclude collective bargaining agreements with employers' conditions. They shall likewise have the right not to be subject to working conditions hazardous to their health, particularly through exposure to pesticides and other toxic substances.

SEC. 24. *Unlawful Acts Pertaining to Employment.* – It shall be unlawful for any person:

- a. To discriminate against any ICC/IP with respect to the terms and conditions of employment on account of their descent. Equal remuneration shall be paid to ICC/IP and non-ICC/IP for work of equal value; and

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- b. To deny any ICC/IP employee any right or benefit herein provided for or to discharge them for the purpose of preventing them from enjoying any of the rights or benefits provided under this Act.

SEC. 25. Basic Services. – The ICCs/IPs have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security. Particular attention shall be paid to the rights and special needs of indigenous women, elderly, youth, children and differently-abled persons. Accordingly, the State shall guarantee the right of ICCs/IPs to government's basic services which shall include, but not limited to water and electrical facilities, education, health and infrastructure.

SEC. 26. Women. – ICC/IP women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition.

The State shall provide full access to education, maternal and child care, health and nutrition, and housing services to indigenous women. Vocational, technical, professional and other forms of training shall be provided to enable these women to fully participate in all aspects of social life. As far as possible, the State shall ensure that indigenous women have access to all services in their own languages.

SEC. 27. Children and Youth. – The State shall recognize the vital role of the children and youth of ICCs/IPs in nation-building and shall promote and protect their physical, moral, spiritual, moral, spiritual, intellectual and social well-being. Towards this end, the State shall support all government programs intended for the development and rearing of the children and youth of ICCs/IPs for civic efficiency and establish such mechanisms as may be necessary for the protection of the rights of the indigenous children and youth.

SEC. 28. Integrated System of Education. – The State shall, through the NCIP, provides a complete, adequate and integrated system of education, relevant to the needs of the children and Young people of ICCs/IPs.

CHAPTER VI

CULTURAL INTEGRITY

SEC. 29. Protection of Indigenous Culture, Traditions and Institutions. – The state shall respect, recognize and protect the right of the ICCs/IPs to preserve and protect their culture, traditions and institutions. It shall consider these rights in the formulation of national plans and policies.

SEC. 30. Educational Systems. – The State shall provide equal access to various cultural opportunities to the ICCs/IPs through the educational system, public or cultural entities, scholarships, grants and other incentives without prejudice to their right to establish and control their educational systems and institutions by providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning. Indigenous children/youth shall have the right to all levels and forms of education of the State.

SEC. 31. Recognition of Cultural Diversity. – The State shall endeavor to have the dignity and diversity of the cultures, traditions, histories and aspirations of the ICCs/IPs appropriately reflected in all forms of

education, public information and cultural-educational exchange. Consequently, the State shall take effective measures, in consultation with ICCs/IPs concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among ICCs/IPs and all segments of society. Furthermore, the government shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. The State shall likewise ensure the participation of appropriate indigenous leaders in schools, communities and international cooperative undertakings like festivals, conferences, seminars and workshops to promote and enhance their distinctive heritage and values.

SEC. 32. *Community Intellectual Rights.* – ICCs/IPs have the right to practice and revitalize their own cultural traditions and customs. The State shall preserve, protect and develop the past, present and future manifestations of their cultures as well as the right to the restitution of cultural, intellectual, religious, and spiritual property taken without their free and prior informed consent or in violation of their laws, traditions and customs.

SEC. 33. *Rights to Religious, Cultural Sites and Ceremonies.* – ICCs/IPs shall have the right to manifest, practice, develop teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect and have access to their religious and cultural sites; the right to use and control of ceremonial object; and the right to the repatriation of human remains. Accordingly, the State shall take effective measures, in cooperation with the burial sites, be preserved, respected and protected. To achieve this purpose, it shall be unlawful to:

- a. Explore, excavate or make diggings on archeological sites of the ICCs/IPs for the purpose of obtaining materials of cultural values without the free and prior informed consent of the community concerned; and
- b. Deface, remove or otherwise destroy artifacts which are of great importance to the ICCs/IPs for the preservation of their cultural heritage.

SEC. 34. *Right to Indigenous Knowledge Systems and Practices and to Develop Own Sciences and Technologies.* – ICCs/IPs are entitled to the recognition of the full ownership and control and protection of their cultural and intellectual rights. They shall have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, including derivatives of these resources, traditional medicines and health practices, vital medicinal plants, animals and minerals, indigenous knowledge systems and practices, knowledge of the properties of fauna and flora, oral traditions, literature, designs, and visual and performing arts.

SEC. 35. *Access to Biological and Genetic Resources.* – Access to biological and genetic resources and to indigenous knowledge related to the conservation, utilization and enhancement of these resources, shall be allowed within ancestral lands and domains of the ICCs/IPs only with a free and prior informed consent of such communities, obtained in accordance with customary laws of the concerned community.

SEC. 36. *Sustainable Agro-Technical Development.* – The State shall recognize the right of ICCs/IPs to a sustainable agro-technological development and shall formulate and implement programs of action for its effective implementation. The State shall likewise promote the bio-genetic and resource management systems among the ICCs/IPs and shall encourage cooperation among government agencies to ensure the successful sustainable development of ICCs/IPs.

SEC. 37. *Funds for Archeological and Historical Sites.* – The ICCs/IPs shall have the right to receive from the national government all funds especially earmarked or allocated for the management and

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preservation of their archeological and historical sites and artifacts with the financial and technical support of the national government agencies.

CHAPTER VII

NATIONAL COMMISSION ON INDIGENOUS PEOPLES

SECTION 38. *National Commission on Indigenous Cultural Communities/Indigenous Peoples (NCIP).* – to carry out the policies herein set forth, there shall be created the National Commission on ICCs/IPs (NCIP), which shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the ICCs/IPs and the recognition of their ancestral domains as well as their rights thereto.

SEC. 39. *Mandate.* – The NCIP shall protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs, traditions and institutions.

SEC. 40. *Composition.* – The NCIP shall be an independent agency under the Office of the President and shall be composed of seven Commissioners belonging to ICCs/IPs, one of whom shall be the Chairperson. The Commissioners shall be appointed by the President of the Philippines from a list of recommendees submitted by authentic ICCs/IPs: *Provided*, That the seven Commissioners shall be appointed specifically from each of the following ethnographic areas: Region I and the Cordilleras; Region II; the rest of Luzon; Island Groups including Mindoro, Palawan, Romblon, Panay and the rest of the Visayas; Northern and Western Mindanao; Southern and Eastern Mindanao; and Central Mindanao: *Provided*, That at least two of the seven Commissioners shall be women.

SEC. 41. *Qualifications, Tenure, Compensation.* – The Chairperson and the six Commissioners must be natural born Filipino citizens, bonafide members of ICCs/IPs as certified by his/her tribe, experienced in ethnic affairs and who have worked for at least 10 years with an ICC/IP community and/or any government agency involved in ICC/IP, at least 35 years of age at the time of appointment, and must be of proven honesty and integrity: *Provided*, That at least two of the seven Commissioners shall be the members of the Philippine Bar: *Provided, further*, That the members of the NCIP shall hold office for a period of three years, and may be subject to reappointment for another term: *Provided, furthermore*, That no person shall serve for more than two terms. Appointment to any vacancy shall only be for the unexpired term of the predecessor and in no case shall a member be appointed or designated in a temporary or acting capacity: *Provided, finally*, That the Chairperson and the Commissioners shall be entitled to compensation in accordance with the Salary Standardization Law.

SEC. 42. *Removal from Office.* – Any member of the NCIP may be removed from office by the President, on his own initiative or upon recommendation by any indigenous community, before the expiration of his term for cause and after complying with due process requirement of law.

SEC. 43. *Appointment of Commissioners.* – The President shall appoint the seven Commissioners of the NCIP within 90 days from the effectivity of this Act.

SEC. 44. *Powers and Functions.* – To accomplish its mandate, the NCIP shall have the following powers, jurisdiction and function:

- a) To serve as the primary government agency through which ICCs/IPs can seek government assistance and as the medium, through which such assistance may be extended;

- b) To review and assess the conditions of ICCs/IPs including existing laws and policies pertinent thereto and to propose relevant laws and policies to address their role in national development;
- c) To formulate and implement policies, plans, programs and projects for the economic, social and cultural development of the ICCs/IPs and to monitor the implementation thereof;
- d) To request and engage the services and support of experts from other agencies of government or employ private experts and consultants as may be required in the pursuit of its objectives;
- e) To issue certificate of ancestral land/domain title;
- f) Subject to existing laws, to enter into contracts, agreements, or arrangement, with government or private agencies or entities as may be necessary to attain the objectives of this Act, and subject to the approval of the President, to obtain loans from government lending institutions and other lending institutions to finance its programs;
- g) To negotiate for funds and to accept grants, donations, gifts and/or properties in whatever form and from whatever source, local and international, subject to the approval of the President of the Philippines, for the benefit of ICCs/IPs and administer the same in accordance with the terms thereof; or in the absence of any condition, in such manner consistent with the interest of ICCs/IPs as well as existing laws;
- h) To coordinate development programs and projects for the advancement of the ICCs/IPs and to oversee the proper implementation thereof;
- i) To convene periodic conventions or assemblies of IPs to review, assess as well as propose policies or plans;
- j) To advise the President of the Philippines on all matters relating to the ICCs/IPs and to submit within 60 days after the close of each calendar year, a report of its operations and achievements;
- k) To submit to Congress appropriate legislative proposals intended to carry out the policies under this Act;
- l) To prepare and submit the appropriate budget to the Office of the President;
- m) To issue appropriate certification as a pre-condition to the grant of permit, lease, grant, or any other similar authority for the disposition, utilization, management and appropriation by any private individual, corporate entity or any government agency, corporation or subdivision thereof on any part or portion of the ancestral domain taking into consideration the consensus approval of the ICCs/IPs concerned;
- n) To decide all appeals from the decisions and acts of all the various offices within the Commission;
- o) To promulgate the necessary rules and regulations for the implementation of this Act;
- p) To exercise such other powers and functions as may be directed by the President of the Republic of the Philippines; and
- q) To represent the Philippine ICCs/IPs in all international conferences and conventions dealing with indigenous peoples and other related concerns.

Sec. 45. Accessibility and Transparency. – Subject to such limitations as may be provided by law or by rules and regulations promulgated pursuant thereto, all official records, documents and papers pertaining to official acts, transactions or decisions, as well as research data used as basis for policy development of the Commission shall be made accessible to the public.

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SEC.46. *Offices within the NCIP.* – The NCIP shall have the following offices which shall be responsible for the implementation of the policies herein after provided:

- a. *Ancestral Domains Office.* – The Ancestral Domains Office shall be responsible for the identification, delineation and recognition of ancestral land/domains. It shall also be responsible for the management of ancestral lands/domains in accordance with the master plan as well as the implementation of the ancestral domain rights of the ICCs/IPs as provided in Chapter III of this Act. It shall also issue, upon the free and prior informed consent of the ICCs/IPs concerned, certification prior to the grant of any license, lease or permit for the exploitation of natural resources affecting the interests of ICCs/IPs in protecting the territorial integrity of all ancestral domains. It shall likewise perform such other functions as the Commission may deem appropriate and necessary;
- b. *Office on Policy, Planning and Research.* – The Office on Policy, Planning and Research shall be responsible for the formulation of appropriate policies and programs for ICCs/IPs such as, but not limited to, the development of a Five-Year Master Plan for the ICCs/IPs. Such plan shall undergo a process such that every five years, the Commission shall endeavor to assess the plan and make ramifications in accordance with the changing situations. The Office shall also undertake the documentation of customary law and shall establish and maintain a Research Center that would serve as a depository of ethnographic information for monitoring, evaluation and policy formulation. It shall assist the legislative branch of the national government in the formulation of appropriate legislation benefiting ICCs/IPs.
- c. *Office of Education, Culture and Health.* – The Office on Culture, Education and Health shall be responsible for the effective implementation of the education, cultural and related rights as provided in this Act. It shall assist, promote and support community schools, both formal and non-formal, for the benefit of the local indigenous community, especially in areas where existing educational facilities are not accessible to members of the indigenous group. It shall administer all scholarship programs and other educational rights intended for ICC/IP beneficiaries in coordination with the Department of Education, Culture and Sports and the Commission on Higher Education. It shall undertake, within the limits of available appropriation, a special program which includes language and vocational training, public health and family assistance program and related subjects.

It shall also identify ICCs/IPs with potential training in the health profession and encourage and assist them to enroll in schools of medicine, nursing, physical therapy and other allied courses pertaining to the health profession.

Towards this end, the NCIP shall deploy a representative in each of the said offices who shall personally perform the foregoing task and who shall receive complaints from the ICCs/IPs and compel action from appropriate agency. It shall also monitor the activities of the National Museum and other similar government agencies generally intended to manage and preserve historical and archeological artifacts of the ICCs /IPs and shall be responsible for the implementation of such other functions as the NCIP may deem appropriate and necessary;

- d. *Office on Socioeconomic Services and Special Concerns.* – The Office on Socioeconomic Services and Special Concerns shall serve as the Office through which the NCIP shall coordinate with pertinent government agencies especially charged with the implementation of various basic socioeconomic services, policies, plans and programs affecting the ICCs/IPs to ensure that the same are properly and directly enjoyed by them. It shall also be responsible for such other functions as the NCIP may deem appropriate and necessary;
- e. *Office of Empowerment and Human Rights.* – The Office of Empowerment and Human Rights shall ensure that indigenous socio political, cultural and economic rights are respected and recognized. It shall ensure that capacity building mechanisms are instituted and ICCs/IPs are afforded every

opportunity, if they so choose, to participate in all level decision-making. It shall likewise ensure that the basic human rights, and such other rights as the NCIP may determine, subject to existing laws, rules and regulations are protected and promoted;

- f. *Administrative Office.* – The Administrative Office shall provide the NCIP with economical, efficient and effective services pertaining to personnel, finance, records, equipment, security, supplies, and related services. It shall also administer the Ancestral Domains Fund; and
- g. *Legal Affairs Office.* – There shall be a Legal Affairs Office which shall advise the NCIP on all legal matters concerning ICCs/IPs and which shall be responsible for providing ICCs/IPs with legal assistance in litigation involving community interest. It shall conduct preliminary investigation on the basis of complaints filed by the ICCs/IPs against a natural or juridical person believed to have violated ICCs/IPs rights. On the basis of its findings, it shall initiate the filing of appropriate legal or administrative action to the NCIP.

SEC. 47. Other Offices. – The NCIP shall have the power to create additional offices as it may deem necessary subject to existing rules and regulations.

SEC. 48. Regional and Field Offices. – Existing regional and field offices shall remain to function under the strengthened organizational structure of the NCIP. Other field offices shall be created wherever appropriate and the staffing pattern thereof shall be determined by the NCIP: *Provided*, That in provinces where there are ICCs/IPs but without field offices, the NCIP shall establish field offices in said provinces.

SEC. 49. Office of the Executive Director. – The NCIP shall create the Office of the Executive Director which shall serve as its secretariat. The Office shall be headed by an Executive Director who shall be appointed by the President of the Republic of the Philippines upon the recommendation of the NCIP on a permanent basis. The staffing pattern of the office shall be determined by the NCIP subject to existing rules and regulations.

SEC. 50. Consultative Body. – A body consisting of the traditional leaders, elders and representatives from the women and youth sectors of the different ICCs/IPs shall be constituted by the NCIP from the time to time to advise it on matters relating to the problems, aspirations and interests of the ICCs/IPs.

CHAPTER VIII

DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS

SECTION 51. Delineation and Recognition of Ancestral Domains. – Self-delineation shall be guiding principle in the identification and delineation of ancestral domains. As such, the ICCs/IPs concerned shall have a decisive role in all the activities pertinent thereto. The Sworn Statement of the Elders as to the Scope of the territories and agreements/pacts made with neighboring ICCs/IPs, if any, will be essential to the determination of these traditional territories. The Government shall take the necessary steps to identify lands which the ICCs/IPs concerned traditionally occupy and guarantee effective protection of their rights of ownership and possession thereto. Measures shall be taken in appropriate cases to safeguard the rights of the ICCs/IPs concerned to land which may no longer be exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities, particularly of ICCs/IPs who are still nomadic and/or shifting cultivators.

SEC. 52. Delineation Process. – The identification and delineation of ancestral domains shall be done in accordance with the following procedures:

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- a. *Ancestral Domains Delineated Prior to this Act.* – The provisions hereunder shall not apply to ancestral domains/lands already delineated according to DENR Administrative Order No. 2, series of 1993, nor to ancestral lands and domains delineated under any other community/ancestral domain program prior to the enactment of this law. ICCs/IPs enactment of this law shall have the right to apply for the issuance of a Certificate of Ancestral Domain Title (CADT) over the area without going through the process outlined hereunder;
- b. *Petition for Delineation.* – The process of delineating a specific perimeter may be initiated by the NCIP with the consent of the ICC/IP concerned, or through a Petition for Delineation filed with the NCIP, by a majority of the members of the ICCs/IPs;
- c. *Delineation Paper.* – The official delineation of ancestral domain boundaries including census of all community members therein, shall be immediately undertaken by the Ancestral Domains Office upon filing of the application by the ICCs/IPs concerned. Delineation will be done in coordination with the community concerned and shall at all times include genuine involvement and participation by the members of the communities concerned;
- d. *Proof Required.* – Proof of Ancestral Domain Claims shall include the testimony of elders or community under oath, and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such ICCs/IPs in the concept of owners which shall be any one of the following authentic documents:
 1. Written accounts of the ICCs/IPs customs and traditions;
 2. Written accounts of the ICCs/IPs political structure and institution;
 3. Pictures showing long-term occupation such as those of old improvements, burial grounds, sacred places and old villages;
 4. Historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs concerned with other ICCs/IPs;
 5. Survey plans and sketch maps;
 6. Anthropological data;
 7. Genealogical surveys;
 8. Pictures and descriptive histories of traditional communal forests and hunting grounds;
 9. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; and
 10. Write-ups of names and places derived from the native dialect of the community.
- e. *Preparation of Maps.* – On the basis of such investigation and the findings of fact based thereon, the Ancestral Domains Office of the NCIP shall prepare a perimeter map, complete with technical descriptions, and a description of the natural features and landmarks embraced therein;
- f. *Report of Investigation and Other Documents.* – A complete copy of the preliminary census and a report of investigation, shall be prepared by the Ancestral Domains Office of the NCIP;
- g. *Notice and Publication.* – A copy of each document, including a translation in the native language of the ICCs/IPs concerned shall be posted in a prominent place therein for at least 15 days. A copy of the document shall also be posted at the local, provincial and regional offices of the NCIP, and shall be published in a newspaper of general circulation once a week for two consecutive weeks to allow other claimants to file opposition thereto within 15 days from the date of such publication: *Provided,* That in areas where no such newspaper exists, broadcasting in a radio station will be a

valid substitute: *Provided, further*, That mere posting shall be deemed sufficient if both newspaper and radio station are not available;

- h. *Endorsement to NCIP.* – Within 15 days from publication, and of the inspection process, the Ancestral Domains Office shall prepare a report to the NCIP endorsing a favorable action upon a claim that is deemed to have sufficient proof. However, if the proof is deemed insufficient, the Ancestral Domains Office shall require the submission of additional evidence: *Provided*, That the Ancestral Domains Office shall reject any claim that is deemed patently false or fraudulent after inspection and verification: *Provided, further*, That in case of rejection, the Ancestral Domains Office shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial. The denial shall be appealable to the NCIP: *Provided, furthermore*, That in cases where there are conflicting claims among ICCs/IPs on the boundaries of ancestral domainclaims, the Ancestral Domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to the Section below.
- i. *Turnover of Areas within Ancestral Domains Managed by Other Government Agencies.*– The Chairperson of the NCIP shall certify that the area covered is an ancestral domain. The secretaries of the Department of Agrarian Reform, Department of Environment and Natural Resources, Department of the Interior and Local Government, and Department of Justice, the Commissioner of the National Development Corporation, and any other government agency claiming jurisdiction over the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction previously claimed;
- j. *Issuance of CADT.* – ICCs/IPs whose ancestral domains have been officially delineated and determined by the NCIP shall be issued a CADT in the name of the community concerned, containing a list of all those identified in the census; and
- k. *Registration of CADTs.* – The NCIP shall register issued certificates of ancestral domain titles and certificates of ancestral lands titles before the Register of Deeds in the place where the property is situated.

Sec. 53. Identification, Delineation and Certification of Ancestral Lands.

- a. The allocation of lands within any ancestral domain to individual or indigenous corporate (family or clan) claimants shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions;
- b. Individual and indigenous corporate claimants of ancestral lands which are not within ancestral domains, may have their claims officially established by filing applications for the identification and delineation of their claims with the Ancestral Domains Office. An individual or recognized head of a family or clan may file such application in his behalf or in behalf of his family or clan, respectively;
- c. Proofs of such claims shall accompany the application form which shall include the testimony under oath of elders of the community and other documents directly or indirectly attesting to the possession or occupation of the areas since time immemorial by the individual or corporate claimants in the concept of owners which shall be any of the authentic documents enumerated under Section 52 (d) of this Act, including tax declarations and proofs of payment of taxes;
- d. The Ancestral Domains Office may require from each ancestral claimant the submission of such other documents, sworn statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim;

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- e. Upon receipt of the applications for delineation and recognition of ancestral land claims, the Ancestral Domains Office shall cause the publication of the application and a copy of each document submitted including a translation in the native language of the ICCs/IPs concerned in a prominent place therein for at least 15 days. A copy of the document shall also be posted at the local, provincial, and regional offices of the NCIP and shall be published in a newspaper of general circulation once a week for two consecutive weeks to allow other claimants to file opposition thereto within 15 days from the date of such publication: *Provided*, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute: *Provided*, further, That mere posting shall be deemed sufficient if both newspapers and radio station are not available.
- f. Fifteen days after such publication, the Ancestral Domains Office shall investigate and inspect each application, and if found to be meritorious, shall cause a parcellary survey of the area being claimed. The Ancestral Domains Office shall reject any claim that is deemed patently false or fraudulent after inspection and verification. In case of rejection, the Ancestral Domains office shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial. The denial shall be appealable to the NCIP. In case of conflicting claims among individual or indigenous corporate claimants, the Ancestral Domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to Section 62 of this Act. In all proceedings for the identification or delineation of the ancestral domains as herein provided, the Director of Lands shall represent the interest of the Republic of the Philippines; and
- g. The Ancestral Domains Office shall prepare and submit a report on each and every application surveyed and delineated to the NCIP, which shall, in turn, evaluate the report submitted. If the NCIP finds such claim of each individual or corporate (family or clan) claimant over ancestral lands.

SEC. 54. *Fraudulent Claims.* – The Ancestral Domains Office may, upon written request from the ICCs/IPs, review existing claims which have been fraudulently acquired by any person or community. Any claim found to be fraudulently acquired by, and issued to, any person or community may be cancelled by the NCIP after due notice and hearing of all parties concerned.

SEC. 55. *Communal Rights.* – Subject to Section 56 hereof, areas within the ancestral domains, whether delineated or not, shall be presumed to be communally held: *Provide*, That communal rights under this Act shall not be construed as co-ownership as provided in Republic Act. No. 386, otherwise known as the New Civil Code.

SEC. 56. *Existing Property Rights Regimes.* – Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected.

SEC. 57. *Natural Resources within Ancestral Domains.* – The ICCs/IPs shall have the priority rights in the harvesting, extraction, development or exploitation of any natural resources within the ancestral domains. A non-member of the ICCs/IPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding 25 years renewable for not more than 25 years: *Provided*, That a formal and written agreement is entered into with the ICCs/IPs concerned or that the community, pursuant to its own decision making process, has agreed to allow such operation: *Provided, finally*, That the NCIP may exercise visitatorial powers and take appropriate actions to safeguard the rights of the ICCs/IPs under the same contract.

SEC. 58. *Environmental Considerations.* – Ancestral domains or portion thereof, which are found necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover, or

reforestation as determined by the appropriate agencies with the full participation of the ICCs/IPs concerned shall be maintained, managed and developed for such purposes. The ICCs/IPs concerned shall be given the responsibility to maintain, develop, protect and conserve such areas with the full and effective assistance of the government agencies. Should the ICCs/IPs decide to transfer the responsibility over the areas, said decision must be made in writing. The consent of the ICCs/IPs should be arrived at in accordance with its customary laws without prejudice to the basic requirement of the existing laws on free and prior informed consent: *Provided*, That the transfer shall be temporary and will ultimately revert to the ICCs/IPs in accordance with a program for technology transfer: *Provided, further*, That no ICCs/IPs shall be displaced or relocated for the purpose enumerated under this Section without the written consent of the specific persons authorized to give consent.

SEC. 59. Certification Precondition. – All department and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain. Such certification shall only be issued after a field-based investigation is conducted by the Ancestral Domains Office of the area concerned: *Provided*, That no certification shall be issued by the NCIP without the free and prior informed and written consent of the ICCs/IPs concerned: *Provided, further*, That no department, government agency or government-owned or -controlled corporation may issue new concession, license, lease, or production sharing agreement while there is pending application for a CADT: *Provided, finally*, That the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process.

SEC.60. Exemption from Taxes. – All lands certified to be ancestral domains shall be exempt from real property taxes, special levies, and other forms of exaction except such portion of the ancestral domains as are actually used for large-scale agriculture, commercial forest plantation and residential purposes and upon titling by other by private person: *Provided*, that all exactions shall be used to facilitate the development and improvement of the ancestral domains.

SEC. 61. Temporary Requisition Powers. – Prior to the establishment of an institutional surveying capacity whereby it can effectively fulfill its mandate, but in no case beyond three years after its creation, the NCIP is hereby authorized to request the Department of Environment and Natural Resources (DENR) survey teams as well as other equally capable private survey teams, through a Memorandum of Agreement (MOA), to delineate ancestral domain perimeters. The DENR Secretary shall accommodate any such request within one month of its issuance: *Provided*, That the Memorandum of Agreement shall stipulate, among others, a provision for technology transfer to the NCIP.

SEC. 62. Resolution of Conflicts. – In cases of conflicting interest, where there are adverse claims within the ancestral domains as delineated in the survey plan, and which cannot be resolved, the NCIP shall hear and decide, after notice to the proper parties, the disputes arising from the delineation of such ancestral domains: *Provided*, That if the dispute is between and/or among ICCs/IPs regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed. The NCIP shall promulgate the necessary rules and regulations to carry out its adjudicatory functions: *Provided, further*, That any decision, order, award or ruling of the NCIP on any ancestral domain dispute or on any matter pertaining to the application, implementation, enforcement and interpretation of this Act may be brought for Petition for Review to the Court of Appeals within 15 days from receipt of a copy thereof.

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SEC. 63. *Applicable Laws.* – Customary laws, traditions and practices of the ICCs/IPs of the land where the conflict arises shall be applied first with respect to property rights, claims and ownerships, hereditary succession and settlement of land disputes. Any doubt or ambiguity in the application of laws shall be resolved in favor of the ICCs/IPs.

SEC. 64. *Remedial Measures.* – Expropriation may be resorted to in the resolution of conflicts of interest following the principle of the “common good.” The NCIP shall take appropriate legal action for the cancellation of officially documented titles which were acquired illegally: *Provided*, That such procedure shall ensure that the rights of possessors in good faith shall be respected: *Provided, further*, That the action for cancellation shall be initiated within two years from the effectivity of this Act: *Provided, finally*, That the action for reconveyance shall be a period of 10 years in accordance with existing laws.

CHAPTER IX

JURISDICTION AND PROCEDURES FOR ENFORCEMENT OF RIGHTS

SECTION 65. *Primary of Customary Laws and Practices.* – When disputes involve ICCs/IPs, customary laws and practices shall be used to resolve the dispute.

SEC. 66. *Jurisdiction of the NCIP.* – The NCIP, through its regional offices, shall have jurisdiction over all claims and disputes involving rights of ICCs/IPs; *Provided*, however, That no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws. For this purpose, a certification shall be issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved, which certification shall be a condition precedent to the filing of a petition with the NCIP.

SEC. 67. *Appeals to the Court of Appeals.* – Decisions of the NCIP shall be appealable to the Court of Appeals by way of a petition for review.

SEC. 68. *Execution of Decisions, Awards, Orders.* – Upon expiration of the period herein provided and no appeal is perfected by any of the contending parties, the Hearing Officer of the NCIP, on its own initiative or upon motion by the prevailing party, shall issue a writ of execution requiring the sheriff or the proper officer to execute final decisions, orders or awards of the Regional Hearing Officer of the NCIP.

SEC. 69. *Quasi-Judicial Powers of the NCIP.* – The NCIP shall have the power and authority:

- a. To promulgate rules and regulations governing the hearing and disposition of cases filed before it as well as those pertaining to its internal functions and such rules and regulations as may be necessary to carry out the purposes of this Act;
- b. To administer oaths, summon the parties to a controversy, issue *subpoenas* requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, agreements and other document of similar nature as may be material to a just determination of the matter under investigation or hearing conducted in pursuance of this Act;
- c. To hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor; and
- d. To enjoin any or all acts involving or arising from any case pending before it which, if not restrained forthwith, may cause grave or irreparable damage to any of the parties to the case or seriously affect social or economic activity.

SEC. 70. *No restraining Order or Preliminary Injunction.* – No inferior court of the Philippines shall have the jurisdiction to issue any restraining order or writ of preliminary injunction against the NCIP or any of its duly authorized or designated offices in any case, dispute or controversy to, or interpretation of this Act and other pertinent laws relating to ICCs/IPs and ancestral domains.

CHAPTER IX

ANCESTRAL DOMAINS FUND

SECTION 71. *Ancestral Domains Fund.* – There is hereby created a special fund, to be known as the Ancestral Domains Fund, an initial amount of One Hundred Thirty Million Pesos (P130 million) to cover compensation for expropriated lands, delineation and development of ancestral domains. An amount of Fifty Million Pesos (P50 million) shall be sourced from the gross income of the Philippine Charity Sweepstakes Office (PCSO) from its lotto operation, Ten Millions Pesos (P10 million) from the gross receipts of the travel tax of the preceding year, the fund of the Social Reform Council intended for survey and delineation of ancestral lands/domains, and such other source as the government may be deem appropriate. Thereafter such amount shall be included in the annual General Appropriations Act. Foreign as well as local funds which are made available for the ICCs/IPs through the government of the Philippines shall be coursed through the NCIP. The NCIP may also solicit and receive donations, endowments shall be exempted from income or gift taxes and all other taxes, charges or fees imposed by the government or any political subdivision or instrumentality thereof.

CHAPTER XI

PENALTIES

SECTION 72. *Punishable Acts and Applicable Penalties.* – Any person who commits violation of any of the provisions of this Act, such as, but not limited to, unauthorized and/or unlawful intrusion upon any ancestral lands or domains as stated in Section 10, Chapter III, or shall commit any of the prohibited acts mentioned in Sections 21 and 24, Chapter V, Section 33, Chapter VI hereof, shall be punished in accordance with the customary laws of the ICCs/IPs concerned: *Provided*, That no such penalty shall be cruel, degrading or inhuman punishment: *Provided, further*, That neither shall the death penalty or excessive fines be imposed. This provision shall be without prejudice to the right of any ICCs/IPs to avail of the protection of existing laws. In which case, any person who violates any provision of this Act shall, upon conviction, be punished by imprisonment of not less than nine months but not more than 12 years or a fine not less than One Hundred Thousand Pesos (P100,000) nor more than Five Hundred Thousand Pesos (P500,000) or both such fine and imprisonment upon the discretion of the court. In addition, he shall be obliged to pay to the ICCs/IPs concerned whatever damage may have been suffered by the latter as a consequence of the unlawful act.

SEC. 73. *Persons Subject to Punishment.* – If the offender is a juridical person, all officers such as, but not limited to, its president, manager, or head of office responsible for their unlawful act shall be criminally liable therefor, in addition to the cancellation of certificates of their registration and/or license: *Provided*, That if the offender is a public official, the penalty shall include perpetual disqualification to hold public office.

CHAPTER XII

**MERGER OF THE OFFICE FOR NORTHERN CULTURAL COMMUNITIES (ONCC)
AND THE OFFICE FOR SOUTHERN CULTURAL COMMUNITIES (OSCC)**

SECTION 74. Merger of ONCC/OSCC. – The Office for Northern Cultural Communities (ONCC) and the Office of Southern Cultural Communities (OSCC), created under Executive Order Nos. 122-B and 122-C respectively, are hereby merged as organic offices of the NCIP and shall continue to function under a revitalized and strengthened structures to achieve the objectives of the NCIP: *Provided*, That the positions Staff Directors, Bureau Directors, Deputy Executive Directors and Executive Directors except positions of Regional Directors and below, are hereby phased-out upon the effectivity of this Act: *Provided, further*, That officials and employees of the phased-out offices who may be qualified may apply for reappointment with the NCIP and may be given prior rights in the filling up of the newly created positions of NCIP, subject to the qualifications set by the Placement Committee: *Provided, furthermore*, That in the case where an indigenous person and a non-indigenous person with similar qualifications apply for the same position, priority shall be given to the former. Officers and employees who are to be phased-out as a result of the merger of their offices shall be entitled to gratuity a rate equivalent to one and a half months salary for every year of continuous and satisfactory service rendered or the equivalent nearest fraction thereof favorable to them on the basis of the highest salary received. If they are already entitled to retirement benefits or the gratuity, they shall have the option to select either such retirement benefits or the gratuity herein provided. Officers and employees who may be reinstated shall refund such retirement benefits or gratuity received: *Provided, finally*, That absorbed personnel must still meet the qualifications and standards set by the Civil Service and the Placement Committee herein created.

SEC. 75. Transition Period. – The ONCC/OSCC shall have a period of six months from the effectivity of this Act within which to wind up its affairs and to conduct audit of its finances.

SEC. 76. Transfer of Assets/Properties. – All real and personal properties which are vested in, or belonging to, the merged offices as aforesaid shall be transferred to the NCIP without further need of conveyance, transfer or assignment and shall be held for the same purpose as they were held by the former offices: *Provided*, That all contracts, records and documents relating to the operations of the merged offices shall be transferred to the NCIP. All agreements and contracts entered into by the merged offices shall remain in full force and effect unless otherwise terminated, modified or amended by the NCIP.

SEC. 77. Placement Committee. – Subject to rules on government reorganization, a Placement Committee shall be created by the NCIP, in coordination with the Civil Service Commission, which shall assist in the judicious selection and placement of personnel in order that the best qualified and most deserving persons shall be appointed in the reorganized agency. The Placement Committee shall be composed of seven commissioners and an ICCs/IPs representative from each of the first and second level employees association in the Offices for Northern and Southern Cultural Communities (ONCC/OSCC), nongovernment organizations (NGOs) who have served the community for at least five years and peoples organizations (POs) with at least five years of existence. They shall be guided by the criteria of retention and appointment to be prepared by the consultative body and by the pertinent provisions of the civil service law.

CHAPTER XIII

FINAL PROVISIONS

SECTION 78. *Special Provision.* – The City of Baguio shall remain to be governed by its Chapter and all lands proclaimed as part of its townsite reservation shall remain as such until otherwise reclassified by appropriate legislation: *Provided*, That prior land rights and titles recognized and/or required through any judicial, administrative or other processes before the effectivity of this Act shall remain valid: *Provided, further*, That this provision shall not apply to any territory which becomes part of the City of Baguio after the effectivity of this Act.

SEC. 79. *Appropriations.* – The amount necessary to finance the initial implementation of this Act shall be charged against the current year's appropriation of the ONCC and the OSCC. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SEC. 80. *Implementing Rules and Regulations.* – Within 60 days immediately after appointment, the NCIP shall issue the necessary rules and regulations, in consultation with the Committees on National Cultural Communities of the House of Representatives and the Senate, for the effective implementation of this Act.

SEC. 81. *Saving Clause.* – This Act will not in any manner adversely affect the rights and benefits of the ICCs/IPs under other conventions, recommendations, international treaties, national laws, awards, customs and agreements.

SEC. 82. *Separability Clause.* – In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereby.

SEC. 83. *Repealing Clause.* – Presidential Decree No. 410, Executive Order Nos. 122-B and 122-C, and all other laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 84. *Effectivity.* – This Act shall take effect 15 days upon its publication in the Official Gazette or in any two newspapers of general circulation.

Approved: October 29, 1997.

REPUBLIC ACT No. 8550
AN ACT PROVIDING FOR THE DEVELOPMENT, MANAGEMENT AND CONSERVATION
OF THE FISHERIES AND AQUATIC RESOURCES, INTEGRATING ALL LAWS PERTINENT THERETO,
AND FOR OTHER PURPOSES

SECTION 1. Title. – This Act shall be known as “*The Philippine Fisheries Code of 1998.*”

CHAPTER I

DECLARATION OF POLICY AND DEFINITIONS

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State:

- (a) to achieve food security as the overriding consideration in the utilization, management, development, conservation and protection of fishery resources in order to provide the food needs of the population. A flexible policy towards the attainment of food security shall be adopted in response to changes in demographic trends for fish, emerging trends in the trade of fish and other aquatic products in domestic and international markets, and the law of supply and demand;
- (b) to limit access to the fishery and aquatic resources of the Philippines for the exclusive use and enjoyment of Filipino citizens;
- (c) to ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment;
- (d) to protect the rights of fisherfolk, especially of the local communities with priority to municipal fisherfolk, in the preferential use of the municipal waters. Such preferential use, shall be based on, but not limited to, Maximum Sustainable Yield (MSY) or Total Allowable Catch (TAC) on the basis of resources and ecological conditions, and shall be consistent with our commitments under international treaties and agreements;
- (e) to provide support to the fishery sector, primarily to the municipal fisherfolk, including women and youth sectors, through appropriate technology and research, adequate financial, production, construction of post-harvest facilities, marketing assistance, and other services. The protection of municipal fisherfolk against foreign intrusion shall extend to offshore fishing grounds. Fishworkers shall receive a just share for their labor in the utilization of marine and fishery resources;
- (f) to manage fishery and aquatic resources, in a manner consistent with the concept of an integrated coastal area management in specific natural fishery management areas, appropriately supported by research, technical services and guidance provided by the State; and
- (g) to grant the private sector the privilege to utilize fishery resources under the basic concept that the grantee, licensee or permittee thereof shall not only be a privileged beneficiary of the State but also active participant and partner of the Government in the sustainable development, management, conservation and protection of the fishery and aquatic resources of the country.

The state shall ensure the attainment of the following objectives of the fishery sector:

1. Conservation, protection and sustained management of the country’s fishery and aquatic resources;

2. Poverty alleviation and the provision of supplementary livelihood among municipal fisherfolk;
3. Improvement of productivity of aquaculture within ecological limits;
4. Optimal utilization of offshore and deep-sea resources; and
5. Upgrading of post-harvest technology.

SEC. 3. Application of its Provisions. – The provisions of this Code shall be enforced in:

- (a) all Philippine waters including other waters over which the Philippines has sovereignty and jurisdiction, and the country's 200-nautical mile Exclusive Economic Zone (EEZ) and continental shelf;
- (b) all aquatic and fishery resources whether inland, coastal or offshore fishing areas, including but not limited to fishponds, fishpens/cages; and
- (c) all lands devoted to aquaculture, or businesses and activities relating to fishery, whether private or public lands.

SEC. 4. Definition of Terms. – As used in this Code, the following terms and phrases shall mean as follows:

1. *Ancillary Industries* – firms or companies related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia; fishery machine shops; and other facilities such as hatcheries, nurseries, feed plants, cold storage and refrigeration, processing plants and other pre-harvest and post-harvest facilities.
2. *Appropriate Fishing Technology* – adaptable technology, both in fishing and ancillary industries, that is ecologically sound, locally source-based and labor intensive.
3. *Aquaculture* – fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.
4. *Aquatic Pollution* – the introduction by human or machine, directly or indirectly, of substances or energy to the aquatic environment which result or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances, and other, radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or other human-made structure. Deforestation, unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversion, which cause similar hazards and deleterious effects shall also constitute aquatic pollution.
5. *Aquatic Resources* – includes fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including, but not limited to, salt and corals.
6. *Artificial Reefs* – any structure of natural or man-made materials placed on a body of water to serve as shelter and habitat, source of food, breeding areas for fishery species and shoreline protection.
7. *Catch Ceilings* – refer to the annual catch limits allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent overfishing and harmful depletion of breeding stocks of aquatic organisms.
8. *Closed Season* – the period during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas in Philippine waters.

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9. *Coastal Area/Zone* – is a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa; its geographic extent may include areas within a landmark limit of 1 kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobath to include coral reefs, algal flats, seagrass beds and other soft-bottom areas.
10. *Commercial Fishing* – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
 - (1) *Small-scale commercial fishing*. – Fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to 20 GT;
 - (2) *Medium-scale commercial fishing*. – Fishing utilizing active gears and vessels of 20.1 GT up to 150 GT; and
 - (3) *Large commercial fishing*. – Fishing utilizing active gears and vessels of more than 150 GT.
11. *Commercial Scale* – a scheme of producing a minimum harvest per hectare per year of milkfish or other species including those raised in pens, cages, and tanks to be determined by the Department in consultation with the concerned sectors;
12. *Coral* – the hard calcareous substance made up of the skeleton of marine coelenterate polyps which include reefs, shelves and atolls or any of the marine coelenterate animals living in colonies where their skeletons form a stony mass. They include:
 - a. skeletons of anthozoan coelenterates characterized as having a rigid axis of compact calcareous or horny spicules, belonging to the genus corallium as represented by the red, pink, and white corals which are considered precious corals;
 - b. skeletons of anthozoan coelenterates characterized by thorny, horny axis such as the antipatharians represented by the black corals which are considered semi-precious corals; and
 - c. ordinary corals which are any kind of corals that are not precious nor semi-precious.
13. *Coral Reef* – a natural aggregation of coral skeleton, with or without living coral polyps, occurring in intertidal and subtidal marine waters.
14. *Demarcated Areas* – boundaries defined by markers and assigned exclusively to specific individuals or organizations for certain specified and limited uses such as:
 - (a) Aquaculture, sea ranching and sea farming;
 - (b) Fish aggregating devices;
 - (c) Fixed and passive fishing gears; and
 - (d) Fry and fingerlings gathering.
15. *Department* – shall mean the Department of Agriculture.
16. *Electrofishing* – the use of electricity generated by batteries, electric generators and other source of electric power to kill, stupefy, disable or render unconscious fishery species, whether or not the same are subsequently recovered.
17. *Endangered Rare and/or Threatened Species* – aquatic plants, animals, including some varieties of corals and sea shells in danger of extinction as provided for in existing fishery laws, rules and regulations or in the Protected Areas and Wildlife Bureau of the Department of Environment and

Natural Resources (DENR) and in the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES).

18. *Exclusive Economic Zone (EEZ)* – an area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the baselines as defined under existing laws.
19. *FARMCs* – the Fisheries and Aquatic Resources Management Councils.
20. *Farm-to-Market Roads* – shall include roads linking the fisheries production sites, coastal landing points and other post-harvest facilities to major market and arterial roads and highways.
21. *Fine Mesh Net* – net with mesh size of less than 3 centimeters measured between 2 opposite knots of a full mesh when stretched or as otherwise determined by the appropriate government agency.
22. *Fish and Fishery/Aquatic Products* – include not only finfish but also mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
23. *Fish Cage* – refers to an enclosure which is either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden/bamboo posts or various types of anchors and floats.
24. *Fish Corral or “Baklad”* – a stationary weir or trap devised to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split blood mattings or wire mattings with one or more enclosures, usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chambers, purse or bags.
25. *Fish fingerlings* – a stage in the life cycle of the fish measuring to about 6 - 13 cm. depending on the species.
26. *Fish fry* – a stage at which a fish has just been hatched usually with sizes from 1 - 2.5 cm.
27. *Fish pen* – an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish.
28. *Fisherfolk* – people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.
29. *Fisherfolk Cooperative* – a duly registered association of fisherfolk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.
30. *Fisherfolk Organization* – an organized group, association, federation, alliance or an institution of fisherfolk which has at least 15 members, a set of officers, a constitution and bylaws, an organizational structure and a program of action.
31. *Fisheries* – refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resource thereof.
32. *Fish Pond* – a land-based facility enclosed with earthen or stone material to impound water for growing fish.
33. *Fishing Boat/Gear License* – a permit to operate specific types of fishing boat/gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources.

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34. *Fishery Management Areas* – a bay, gulf, lake or any other fishery area which may be delineated for fishery resource management purposes.
35. *Fishery Operator* – one who owns and provides the means including land, labor, capital, fishing gears and vessels, but does not personally engage in fishery.
36. *Fishery Refuge and Sanctuaries* – a designated area where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted.
37. *Fishery Reserve* – a designated area where activities are regulated and set aside for educational and research purposes.
38. *Fishery Species* – all aquatic flora and fauna including, but not restricted to, fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans.
39. *Fishing* – the taking of fishery species from their wild state of habitat, with or without the use of fishing vessels.
40. *Fishing gear* – any instrument or device and its accessories utilized in taking fish and other fishery species.
 - (a) *Active fishing gear* – is a fishing device characterized by gear movements, and/or the pursuit of the target species by towing, lifting, and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundments; such as, but not limited to, trawl, purse seines, Danish seines, bag nets, paaling, drift gill net and tuna longline.
 - (b) *Passive fishing gear* – is characterized by the absence of gear movements and/or the pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps and gill nets across the path of the fish.
41. *Fishing vessel* – any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.
42. *Fishing with Explosives* – the use of the dynamite, other explosives or other chemical compounds that contain combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound, will kill, stupefy, disable or render unconscious any fishery species. It also refers to the use of any other substance and/or device which causes an explosion that is capable of producing the said harmful effects on any fishery species and aquatic resources and capable of damaging and altering the natural habitat.
43. *Fishing with Noxious or Poisonous Substances* – the use of any substance, plant extracts or juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in a raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any fishery species and aquatic resources and capable of damaging and altering the natural habitat.
44. *Fishworker* – a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fish pens, fish cages, fish corrals/traps, fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.
45. *Food Security* – refers to any plan, policy or strategy aimed at ensuring adequate supplies of appropriate food at affordable prices. Food security may be achieved through self-sufficiency (i.e., ensuring adequate food supplies from domestic production), through self-reliance (i.e., ensuring

adequate food supplies through a combination of domestic production and importation), or through pure importation.

46. *Foreshore Land* – a string of land margining a body of water; the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash at high tide usually marked by a beach scarp or berm.
47. *Fully-developed Fishpond Area* – a clean leveled area enclosed by dikes, at least one foot higher than the highest floodwater level in the locality and strong enough to resist pressure at the highest flood tide; consists of at least a nursery pond, a transition pond, a rearing pond or a combination of any or all said classes of ponds, and a functional water control system and producing in a commercial scale.
48. *Gross Tonnage* – includes the underdeck tonnage, permanently enclosed spaces above the tonnage deck, except for certain exemptions. In broad terms, all the vessel's 'closed-in' spaces expressed in volume terms on the bases of one hundred cubic feet (that equals one gross ton).
49. *Inland Fishery* – the freshwater fishery and brackishwater fishponds.
50. *Lake* – an inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently or formerly covered by water.
51. *Limited Access* – a fishery policy by which a system of equitable resource and allocation is established by law through fishery rights granting and licensing procedure as provided by this Code.
52. *Mangroves* – a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps.
53. *Maximum Sustainable Yield (MSY)* – is the largest average quantity of fish that can be harvested from a fish stocks/resource within a period of time (e.g., one year) on a sustainable basis under existing environmental conditions.
54. *Migratory species* – refers to any fishery species which in the course of their life could travel from freshwater to marine water or vice versa, or any marine species which travel over great distances in waters of the ocean as part of their behavioral adaptation for survival and speciation:
 - (a) *Anadromous species* – marine fishes which migrate to freshwater areas to spawn;
 - (b) *Catadromous species* – freshwater fishes which migrate to marine areas to spawn.
55. *Monitoring, control and surveillance*:
 - (a) *Monitoring* – the requirement of continuously observing:
 - (1) fishing effort which can be expressed by the number of days or hours of fishing, number of fishing gears and number of fisherfolk;
 - (2) characteristics of fishery resources; and
 - (3) resource yields (catch);
 - (b) *Control* – the regulatory conditions (legal framework) under which the exploitation, utilization and disposition of the resources may be conducted; and
 - (c) *Surveillance* – the degree and types of observations required to maintain compliance with regulations.

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56. *Municipal Fisherfolk* – persons who are directly or indirectly engaged in municipal fishing and other related fishing activities.
57. *Municipal Fishing* – refers to fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.
58. *Municipal Waters* - include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 15 kilometers from such coastline. Where two municipalities are so situated on opposite shores that there is less than 30 kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.
59. *Non-governmental Organization (NGO)* – an agency, institution, a foundation or a group of persons whose purpose is to assist peoples organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.
60. *Payao* – a fish aggregating device consisting of a floating raft anchored by a weighted line with suspended materials such as palm fronds to attract pelagic and schooling species common in deep waters.
61. *Pearl Farm Lease* – public waters leased for the purpose of producing cultured pearls.
62. *People's Organization* – a *bona fide* association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Its members belong to a sector/s who voluntarily band themselves together to work for and by themselves for their own upliftment, development and greater good.
63. *Person* – natural or juridical entities such as individuals, associations, partnership, cooperatives or corporations.
64. *Philippine Waters* – include all bodies of water within the Philippine territory such as lakes, rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing or which may hereafter exist in the provinces, cities, municipalities, and barangays and the waters around, between and connecting the islands of the archipelago regardless of their breadth and dimensions, the territorial sea, the sea beds, the insular shelves, and all other waters over which the Philippines has sovereignty and jurisdiction including the 200-nautical miles Exclusive Economic Zone and the continental shelf.
65. *Post-harvest Facilities* – these facilities include, but are not limited to, fishport, fishlanding, ice plants and cold storages, fish processing plants.
66. *Purse Seine* – a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.
67. *Resource Rent* – the difference between the value of the products produced from harvesting a publicly owned resource less the cost of producing it, where cost includes the normal return to capital and normal return to labor.
68. *Sea Farming* – the stocking of natural or hatchery-produced marine plants or animals, under controlled conditions, for purposes of rearing and harvesting, but not limited to commercially-

important fishes, mollusks (such as pearl and giant clam culture), including seaweeds and seagrasses.

69. *Sea ranching* – the release of the young of fishery species reared in hatcheries and nurseries into natural bodies of water for subsequent harvest at maturity or the manipulation of fishery habitat, to encourage the growth of the wild stocks.
70. *Secretary* – the Secretary of the Department of Agriculture.
71. *Superlight* – also called magic light, is a type of light using halogen or metal halide bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.
72. *Total Allowable Catch (TAC)* – the maximum harvest allowed to be taken during a given period of time from any fishery area, or from any fishery species or group of fishery species, or a combination of area and species and normally would not exceed the MSY.
73. *Trawl* – an active fishing gear consisting of a bag shaped net with or without other boards to open its opening which is dragged or towed along the bottom or through the water column to take fishery species by straining them from the water, including all variations and modifications of trawls (bottom, mid-water, and baby trawls) and tow nets.

CHAPTER II

UTILIZATION, MANAGEMENT, DEVELOPMENT, CONSERVATION AND ALLOCATION SYSTEM OF FISHERIES AND AQUATIC RESOURCES

SECTION 5. Use of Philippine Waters. – The use and exploitation of the fishery and aquatic resources in Philippine waters shall be reserved exclusively to Filipinos: *Provided, however,* That research and survey activities may be allowed under strict regulations, for purely research, scientific, technological and educational purposes that would also benefit Filipino citizens.

SEC. 6. Fees and Other Fishery Charges. – The rentals for fishpond areas covered by the Fishpond Lease Agreement (FLA) and license fees for Commercial Fishing Boat Licenses (CFBL) shall be set at levels that reflect resource rent accruing from the utilization of resources and shall be determined by the Department: *Provided,* That the Department shall also prescribe fees and other fishery charges and issue the corresponding license or permit for fishing gear, fishing accessories and other fishery activities beyond the municipal waters: *Provided, further,* That the license fees of fishery activity in municipal waters shall be determined by the Local Government Units (LGUs) in consultation with the FARMCs. The FARMCs may also recommend the appropriate license fees that will be imposed.

SEC. 7. Access to Fishery Resources. – The Department shall issue such number of licenses and permits for the conduct of fishery activities subject to the limits of the MSY of the resource as determined by scientific studies or best available evidence. Preference shall be given to resource users in the local communities adjacent or nearest to the municipal waters.

SEC. 8. Catch Ceiling Limitations. – The Secretary may prescribe limitations or quota on the total quantity of fish captured, for a specified period of time and specified area based on the best available evidence. Such a catch ceiling may be imposed per species of fish whenever necessary and practicable: *Provided,* however, That in municipal waters and fishery management areas, and waters under the jurisdiction of special agencies, catch ceilings may be established upon the concurrence and approval or

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recommendation of such special agency and the concerned LGU in consultation with the FARMC for conservation or ecological purposes.

SEC. 9. Establishment of Closed Season. – The Secretary may declare, through public notice in at least two newspapers of general circulation or in public service announcements, whichever is applicable, at least five days before the declaration, a closed season in any or all Philippine waters outside the boundary of municipal waters and in bays, for conservation and ecological purposes. The Secretary may include waters under the jurisdiction of special agencies, municipal waters and bays, and/or other areas reserved for the use of the municipal fisherfolk in the area to be covered by the closed season: *Provided, however,* That this shall be done only upon the concurrence and approval or recommendation of such special agency and the concerned LGU and FARMC: *Provided, further,* That in municipal waters, fishery management areas and other areas reserved for the use of the municipal fisherfolk, closed season may be established by the concerned LGU in consultation with the FARMC for conservation or ecological purposes. The FARMCs may also recommend the establishment of closed seasons in municipal waters, fisheries management and other areas reserved for the use of the municipal fisherfolk.

SEC. 10. Introduction of Foreign Aquatic Species. – No foreign finfish, mollusk, crustacean or aquatic plants shall be introduced in Philippine waters without a sound ecological, biological and environmental justification based on scientific studies subject to the bio-safety standard as provided for by existing laws: *Provided, however,* That the Department may approve the introduction of foreign aquatic species for scientific/research purposes.

SEC. 11. Protection of Rare, Threatened and Endangered Species. – The Department shall declare closed seasons and take conservation and rehabilitation measures for rare, threatened and endangered species, as it may determine, and shall ban the fishing and/or taking of rare, threatened and/or endangered species, including their eggs/offspring as identified by existing laws in concurrence with concerned government agencies.

SEC. 12. Environmental Impact Statement (EIS). – All government agencies as well as private corporations, firms and entities who intend to undertake activities or projects which will affect the quality of the environment shall be required to prepare a detailed Environmental Impact Statement (EIS) prior to undertaking such development activity. The preparation of the EIS shall form an integral part of the entire planning process pursuant to the provisions of Presidential Decree No. 1586 as well as its implementing rules and regulations.

SEC. 13. Environmental Compliance Certificate (ECC). – All Environmental Impact Statements (EIS) shall be submitted to the Department of Environment and Natural Resources (DENR) for review and evaluation. No person, natural or juridical, shall undertake any development project without first securing an Environmental Compliance Certificate (ECC) from the Secretary of the DENR.

SEC. 14. Monitoring, Control and Surveillance of Philippine Waters. – A monitoring, control and surveillance system shall be established by the Department in coordination with LGUs, FARMCs, the private sector and other agencies concerned to ensure that the fisheries and aquatic resources in Philippine waters are judiciously and wisely utilized and managed on a sustainable basis and conserved for the benefit and enjoyment exclusively of Filipino citizens.

SEC. 15. Auxiliary Invoices. – All fish and fishery products must have an auxiliary invoice to be issued by the LGUs or their duly authorized representatives prior to their transport from their point of origin to

their point of destination in the Philippines and/or export purposes upon payment of a fee to be determined by the LGUs to defray administrative costs therefor.

ARTICLE I

MUNICIPAL FISHERIES

SECTION 16. Jurisdiction of Municipal/City Government. – The municipal/city government shall have jurisdiction over municipal waters as defined in this Code. The municipal/city government, in consultation with the FARMC shall be responsible for the management, conservation, development, protection, utilization, and disposition of all fish and fishery/aquatic resources within their respective municipal waters.

The municipal/city government may, in consultation with the FARMC, enact appropriate ordinances for this purpose and in accordance with the National Fisheries Policy. The ordinances enacted by the municipality and component city shall be reviewed pursuant to Republic Act No. 7160 by the sanggunian of the province which has jurisdiction over the same.

The LGUs shall also enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the municipal/city council.

The management of contiguous fishery resources such as bays which straddle several municipalities, cities or provinces, shall be done in an integrated manner, and shall not be based on political subdivisions of municipal waters in order to facilitate their management as single resource systems. The LGUs which share or border such resources may group themselves and coordinate with each other to achieve the objectives of integrated fishery resource management. The Integrated Fisheries and Aquatic Resources Management Councils (FARMCs) established under Section 76 of this Code shall serve as the venues for close collaboration among LGUs in the management of contiguous resources.

SEC. 17. Grant of Fishing Privileges in Municipal Waters. – The duly registered fisherfolk organizations/cooperatives shall have preference in the grant of fishery rights by the Municipal/City Council pursuant to Section 149 of the Local Government Code: *Provided*, That in areas where there are special agencies or offices vested with jurisdiction over municipal waters by virtue of special laws creating these agencies such as, but not limited to, the Laguna Lake Development Authority and the Palawan Council for Sustainable Development, said offices and agencies shall continue to grant permits for proper management and implementation of the aforementioned structures.

SEC. 18. Users of Municipal Waters. – All fishery related activities in municipal waters, as defined in this Code, shall be utilized by municipal fisherfolk and their cooperatives/organizations who are listed as such in the registry of municipal fisherfolk.

The municipal or city government, however, may, through its local chief executive and acting pursuant to an appropriate ordinance, authorize or permit small and medium commercial fishing vessels to operate within the 10.1 to 15 kilometer area from the shoreline in municipal waters as defined herein, provided, that all the following are met:

- (a) no commercial fishing in municipal waters with depth less than seven fathoms as certified by the appropriate agency;
- (b) fishing activities utilizing methods and gears that are determined to be consistent with national policies set by the Department;
- (c) prior consultation, through public hearing, with the M/CFARMC has been conducted; and

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(d) the applicant vessel as well as the shipowner, employer, captain and crew have been certified by the appropriate agency as not having violated this Code, environmental laws and related laws.

In no case shall the authorization or permit mentioned above be granted for fishing in bays as determined by the Department to be in an environmentally critical condition and during closed season as provided for in Sec. 9 of this Code.

SEC. 19. Registry of Municipal Fisherfolk.– The LGU shall maintain a registry of municipal fisherfolk, who are fishing or may desire to fish in municipal waters for the purpose of determining priorities among them, of limiting entry into the municipal waters, and of monitoring fishing activities an/or other related purposes: *Provided*, That the FARMC shall submit to the LGU the list of priorities for its consideration.

Such list or registry shall be updated annually or as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be open to public inspection, for the purpose of validating the correctness and completeness of the list. The LGU, in consultation with the FARMCs, shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most beneficial to the resident municipal fisherfolk. The FARMCs may likewise recommend such mechanisms.

The LGUs shall also maintain a registry of municipal fishing vessels by type of gear and other boat particulars with the assistance of the FARMC.

SEC. 20. Fisherfolk Organizations and/or Cooperatives. – Fisherfolk organizations/cooperatives whose members are listed in the registry of municipal fisherfolk, may be granted use of demarcated fishery areas to engage in fish capture, marine culture and/or fish farming: *Provided, however*, That an organization/cooperative member whose household is already in possession of a fishery right other than for fish capture cannot enjoy the fishing rights granted to the organization or cooperative.

SEC. 21. Priority of Resident Municipal Fisherfolk. – Resident municipal fisherfolk of the municipality concerned and their organizations/cooperatives shall have priority to exploit municipal and demarcated fishery areas of the said municipality.

SEC. 22. Demarcated Fishery Right. – The LGU concerned shall grant demarcated fishery rights to fishery organizations/cooperatives for marine culture operation in specific areas identified by the Department.

SEC. 23. Limited Entry Into Overfished Areas. – Whenever it is determined by the LGUs and the Department that a municipal water is overfished based on available data or information or in danger of being overfished, and that there is a need to regenerate the fishery resources in that water, the LGU shall prohibit or limit fishery activities in the said waters.

SEC. 24. Support to Municipal Fisherfolk. – The Department and the LGUs shall provide support to municipal fisherfolk through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to training for additional/supplementary livelihood.

SEC. 25. Rights and Privileges of Fishworkers. – The fishworkers shall be entitled to the privileges accorded to other workers under the Labor Code, Social Security System and other benefits under other laws or social legislation for workers: *Provided*, That fishworkers on board any fishing vessels engaged in fishing operations are hereby covered by the Philippine Labor Code, as amended.

ARTICLE II

COMMERCIAL FISHERIES

SECTION 26. Commercial Fishing Vessel License and Other Licenses. – No person shall operate a commercial fishing vessel, pearl fishing vessel or fishing vessel for scientific, research or educational purposes, or engage in any fishery activity, or seek employment as a fishworker or pearl diver without first securing a license from the Department, the period of which shall be prescribed by the Department: *Provided*, That no such license shall be required of a fishing vessel engaged in scientific, research or educational purposes within Philippine waters pursuant to an international agreement of which the Philippines is a signatory and which agreement defines the status, privileges and obligations of said vessel and its crew and the non-Filipino officials of the international agency under which said vessel operates: *Provided, further*, That members of the crew of a fishing vessel used for commercial fishing except the duly licensed and/or authorized patrons, marine engineers, radio operators and cooks shall be considered as fisherfolk: *Provided, furthermore*, That all skippers/master fishers shall be required to undertake an orientation training on detection of fish caught by illegal means before they can be issued their fishworker licenses: *Provided, finally*, That the large commercial fishing vessels license herein authorized to be granted shall allow the licensee to operate only in Philippine waters seven or more fathoms deep, the depth to be certified by the NAMRIA, and subject to the conditions that may be stated therein and the rules and regulations that may be promulgated by the Department.

SEC. 27. Persons Eligible for Commercial Fishing Vessel License. – No commercial fishing vessel license shall be issued except to citizens of the Philippines, partnerships or to associations, cooperatives or corporations duly registered in the Philippines at least 60 percent of the capital stock of which is owned by Filipino citizens. No person to whom a license has been issued shall sell, transfer or assign, directly or indirectly, his stock or interest therein to any person not qualified to hold a license. Any such transfer, sale or assignment shall be null and void and shall not be registered in the books of the association, cooperative or corporation.

For purposes of commercial fishing, fishing vessels owned by citizens of the Philippines, partnerships, corporations, cooperatives or associations qualified under this Section shall secure Certificates of Philippine Registry and such other documents as are necessary for fishing operations from the concerned agencies: *Provided*, That the commercial fishing vessel license shall be valid for a period to be determined by the Department.

SEC. 28. Commercial Fishing Vessel Registration. – The registration, documentation, inspection and manning of the operation of all types of fishing vessels plying Philippine waters shall be in accordance with laws, rules and regulations.

SEC. 29. Registration and Licensing of Fishing Gears Used in Commercial Fishing. – Before a commercial fishing vessel holding a commercial fishing vessel license may begin fishing operations in Philippine waters, the fishing gear it will utilize in fishing shall be registered and a license granted therefor. The Department shall promulgate guidelines to implement this provision within 60 days from approval of this Code.

SEC. 30. Renewal of Commercial Boat License. – The commercial fishing boat license shall be renewed every three years.

The owner/operator of a fishing vessel has a period of 60 days prior to the expiration of the license within which to renew the same.

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SEC. 31. *Report of Transfer of Ownership.* – The owner/operator of a registered fishing vessel shall notify the Department in writing of the transfer of the ownership of the vessel with a copy of such document within 10 days after its transfer to another person.

SEC. 32. *Fishing by Philippine Commercial Fishing Fleet in International Waters.* – Fishing vessels of Philippine registry may operate in international waters or waters of other countries which allow such fishing operations: *Provided*, That they comply with the safety, manning and other requirements of the Philippine Coast Guard, Maritime Industry Authority and other agencies concerned: *Provided, however*, That they secure an international fishing permit and certificate of clearance from the Department: *Provided, further*, That the fish caught by such vessels shall be considered as caught in Philippine waters and therefore not subject to all import duties and taxes only when the same is landed in duly designated fish landings and fish ports in the Philippines: *Provided, furthermore*, That landing ports established by canneries, seafood processors and all fish landing sites established prior to the effectivity of this Code shall be considered authorized landing sites: *Provided, finally*, That fishworkers on board Philippine registered fishing vessels conducting fishing activities beyond the Philippine Exclusive Economic Zone are not considered as overseas Filipino workers.

SEC. 33. *Importation of Fishing Vessels or Construction of New Fishing Boats.* – Prior to the importation of fishing vessels and the construction of new fishing vessels, the approval/clearance of the Department must first be obtained.

SEC. 34. *Incentives for Municipal and Small-Scale Commercial Fisherfolk.* – Municipal and small-scale commercial fisherfolk shall be granted incentives which shall include, but are not limited to, the following:

- (a) at least 10 percent of the credit and the guarantee funds of government financing institutions shall be made available for post-harvest and marketing projects for the purpose of enhancing our fisherfolk competitiveness by reducing post-harvest losses. Qualified projects shall include, but shall not be limited to, ice plants, cold storage, canning, warehouse, transport and other related infrastructure projects and facilities; and
- (b) the Department shall undertake the following programs:
 1. a capability-building program for targeted parties shall be developed by the Department to promote greater bankability and credit worthiness of municipal and small-scale commercial fishers. Such program shall include organizing activities, technology transfer, and skills training related to commercial fishing as well as credit management. Groups and cooperatives organized under the program shall have priority access over credit and guarantee funds established under this Code; and
 2. an information campaign shall be conducted to promote the capability building and credit programs. The campaign shall ensure greater information dissemination and accessibility to targeted fisherfolk.

SEC. 35. *Incentives for Commercial Fishers to Fish Farther into the Exclusive Economic Zone.* – In order to encourage fishing vessel operators to fish farther in the EEZ and beyond, new incentives for improvement of fishing vessels and acquisition of fishing equipment shall be granted in addition to incentives already available from the Board of Investments (BOI). Such incentives shall be granted subject to exhaustive evaluation of resource and exploitation conditions in the specified areas of fishing operations. The incentive shall include, but not be limited to:

- (a) long-term loans supported by guarantee facilities to finance the building and acquisition and/or improvement of fishing vessels and equipment;
- (b) commercial fishing vessel operators of Philippine registry shall enjoy a limited period of tax and duty exemptions on the importation of fishing vessels not more than five years old, equipment and paraphernalia, the period of exemption and guidelines shall be fixed by the Department within 90 days from the effectivity of this Code;
- (c) commercial fishing operator of Philippine registry engaged in fisheries in the high seas shall be entitled to duty and tax rebates on fuel consumption for commercial fisheries operations. Guidelines shall be promulgated within 90 days from the effectivity of this Code by the Department; and
- (d) all applicable incentives available under the Omnibus Investment Code of 1987: *Provided*, That the fishing operation project is qualified for registration and is duly registered with the BOI.

SEC. 36. Complement of Fishing Vessels. – Every commercial fishing vessel of Philippine registry when actually operated, shall be manned in accordance with the requirements of the Philippine Merchant Marine rules and regulations.

SEC. 37. Medical Supplies and Life-Saving Devices. – All fishing vessels shall be provided with adequate medical supplies and life-saving devices to be determined by the Occupational Safety and Health Center: *Provided*, That a fishing vessel of 20 GT or more shall have as a member of its crew a person qualified as a first aider duly certified by the Philippine National Red Cross.

SEC. 38. Reportorial Requirements. – Each commercial fishing vessel shall keep a daily record of fish catch and spoilage, landing points, and quantity and value of fish caught, and off-loaded for transshipment, sale and/or other disposal. Detailed information shall be duly certified by the vessel's captain and transmitted monthly to the officer or representative of the Department, at the nearest designated landing point.

SEC. 39. Report of Meteorological and Other Data. – All vessels and crafts passing navigational lanes or engaged in fisheries activity shall be required to contribute to meteorological and other data, and shall assist the Department in documentation or reporting of information vital to navigation and the fishing industry.

SEC. 40. Color Code and Radio Frequency. – For administrative efficiency and enforcement of regulations, registered fishing vessels shall bear a color code as may be determined by the Department and may be assigned a radio frequency specific and distinct to its area of operation.

SEC. 41. Passage. – Commercial and other passage not in the regular conduct of fisheries activity shall be made at designated navigational lanes.

SEC. 42. Transshipment. – Foreign fishing vessels wishing to avail of land, air and sea facilities available in the Philippines to transport fishery products which are caught outside Philippine territorial waters to its final destination shall call only at duly designated government-owned or -controlled regional fishport complexes after securing clearance from the Department.

SEC. 43. Operation of Radio Communication Facilities on Board Fishing Vessels. – The Department shall promulgate guidelines in the operation of radio communication facilities on board fishing vessels and the assignment of radio frequencies specific and distinct to area of operation in coordination with the National Telecommunications Commission.

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SEC. 44. Use of Superlight. – The number and wattage of superlights used in commercial fishing vessels shall be regulated by the Department: **Provided**, That the use of superlights is banned within municipal waters and bays.

ARTICLE III

AQUACULTURE

SECTION 45. Disposition of Public Lands for Fishery Purposes. – Public lands such as tidal swamps, mangroves, marshes, foreshore lands and ponds suitable for fishery operations shall not be disposed or alienated. Upon effectivity of this Code, FLA may be issued for public lands that may be declared available for fishpond development primarily to qualified fisherfolk cooperatives/associations: *Provided, however*, That upon the expiration of existing FLAs the current lessees shall be given priority and be entitled to an extension of 25 years in the utilization of their respective leased areas. Thereafter, such FLAs shall be granted to any Filipino citizen with preference, primarily to qualified fisherfolk cooperatives/associations as well as small and medium enterprises as defined under Republic Act No. 8289: *Provided, further*, That the Department shall declare as reservation, portions of available public lands certified as suitable for fishpond purposes for fish sanctuary, conservation, and ecological purposes: *Provided, finally*, That two years after the approval of this Act, no fish pens or fish cages or fish traps shall be allowed in lakes.

Sec. 46. Lease of Fishponds. – Fishpond leased to qualified persons and fisherfolk organizations/cooperatives shall be subject to the following conditions:

- (a) Areas leased for fishpond purposes shall be no more than 50 hectares for individuals and 250 hectares for corporations or fisherfolk organizations;
- (b) The lease shall be for a period of 25 years and renewable for another 25 years: *Provided*, That in case of the death of the lessee, his spouse and/or children, as his heirs, shall have preemptive rights to the unexpired term of his Fishpond Lease Agreement subject to the same terms and conditions provided herein provided that the said heirs are qualified;
- (c) Lease rates for fishpond areas shall be determined by the Department: *Provided*, That all fees collected shall be remitted to the National Fisheries Research and Development Institute and other qualified research institutions to be used for aquaculture research development;
- (d) The area leased shall be developed and producing on a commercial scale within three years from the approval of the lease contract: *Provided, however*, That all areas not fully producing within five years from the date of approval of the lease contract shall automatically revert to the public domain for reforestation;
- (e) The fishpond shall not be subleased, in whole or in part, and failure to comply with this provision shall mean cancellation of FLA;
- (f) The transfer or assignment of rights to FLA shall be allowed only upon prior written approval of the Department;
- (g) The lessee shall undertake reforestation for river banks, bays, streams, and seashore fronting the dike of his fishpond subject to the rules and regulations to be promulgated thereon; and
- (h) The lessee shall provide facilities that will minimize environmental pollution, i.e., settling ponds, reservoirs, etc: *Provided*, That failure to comply with this provision shall mean cancellation of FLA.

SEC. 47. Code of Practice for Aquaculture. – The Department shall establish a code of practice for aquaculture that will outline general principles and guidelines for environmentally-sound design and operation to promote the sustainable development of the industry. Such Code shall be developed through a consultative process with the DENR, the fishworkers, FLA holders, fishpond owners, fisherfolk cooperatives, small-scale operators, research institutions and the academe, and other potential stakeholders. The Department may consult with specialized international organizations in the formulation of the code of practice.

SEC. 48. Incentives and Disincentives for Sustainable Aquaculture Practices. – The Department shall formulate incentives and disincentives, such as, but not limited to, effluent charges, user fees and negotiable permits, to encourage compliance with the environmental standards and to promote sustainable management practices.

SEC. 49. Reversion of All Abandoned, Underdeveloped or Underutilized Fishponds. – The DENR, in coordination with the Department, LGUs, other concerned agencies and FARMCs shall determine which abandoned, underdeveloped or underutilized fishponds covered by FLAs can be reverted to their original mangrove state and after having made such determination shall take all steps necessary to restore such areas in their original mangrove state.

SEC. 50. Absentee Fishpond Lease Agreement Holders. – Holders of fishpond lease agreements who have acquired citizenship in another country during the existence of the FLA shall have their lease automatically cancelled and the improvements thereon to be forfeited in favor of the government and disposed of in accordance with rules and regulations promulgated thereon.

SEC. 51. License to Operate Fish Pens, Fish Cages, Fish Traps and Other Structures for the Culture of Fish and Other Fishery Products. – Fish pens, fish cages, fish traps and other structures for the culture of fish and other fishery products shall be constructed and shall operate only within established zones duly designated by LGUs in consultation with the FARMCs concerned consistent with national fisheries policies after the corresponding licenses thereof have been secured. The area to be utilized for this purpose for individual person shall be determined by the LGUs in consultation with the concerned FARMC: *Provided, however,* That not over 10 percent of the suitable water surface area of all lakes and rivers shall be allotted for aquaculture purposes like fish pens, fish cages and fish traps; and the stocking density and feeding requirement which shall be controlled and determined by its carrying capacity: *Provided, further,* That fish pens and fish cages located outside municipal waters shall be constructed and operated only within fish pen and fish cage belts designated by the Department and after corresponding licenses therefor have been secured and the fees thereof paid.

SEC. 52. Pearl Farm Leases. – The foregoing provisions notwithstanding, existing pearl farm leases shall be respected and allowed to operate under the terms thereof. New leases may be granted to qualified persons who possess the necessary capital and technology, by the LGUs having jurisdiction over the area.

SEC. 53. Grant of Privileges for Operations of Fish Pens, Cages, Corrals/Traps and Similar Structures. – No new concessions, licenses, permits, leases and similar privileges for the establishment or operation of fish pens, fish cages, fish corrals/traps and other similar structures in municipal areas shall be granted except to municipal fisherfolk and their organizations.

SEC. 54. Insurance for Fishponds, Fish Cages and Fish Pens. – Inland fishponds, fish cages and fish pens shall be covered under the insurance program of the Philippine Crop Insurance Corporation for losses caused by *force majeure* and fortuitous events.

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SEC. 55. *Non-Obstruction to Navigation.* – Nothing in the foregoing Sections shall be construed as permitting the lessee, licensee, or permittee to undertake any construction which will obstruct the free navigation in any stream, river, lakes, or bays flowing through or adjoining the fish pens, fish cages, fish traps and fishponds, or impede the flow of the tide to and from the area. Any construction made in violation hereof shall be removed upon the order of the Department in coordination with the other government agencies concerned at the expense of the lessee, licensee, or occupants thereof, whenever applicable. The Department shall within 30 days after the effectivity of this Code formulate and implement rules and regulations for the immediate dismantling of existing obstruction to navigation.

SEC. 56. *Non-Obstruction to Defined Migration Paths.* – Nothing in the foregoing Sections shall be construed as permitting the lessee, permittee, or licensee to undertake any construction which will obstruct any defined migration path of migratory fish species such as river mouths and estuaries with a distance determined by the concerned LGUs in consultation with and upon the recommendation of the FARMCs.

SEC. 57. *Registration of Fish Hatcheries and Private Fishponds, etc.* – All fish hatcheries, fish breeding facilities and private fishponds must be registered with the LGUs which shall prescribe minimum standards for such facilities in consultation with the Department: *Provided*, That the Department shall conduct a yearly inventory of all fishponds, fish pens and fish cages whether in public or private lands: *Provided, further*, That all fishpond, fish pens and fish cage operators shall annually report to the Department the type of species and volume of production in areas devoted to aquaculture.

ARTICLE IV

POST-HARVEST FACILITIES, ACTIVITIES AND TRADES

SECTION 58. *Comprehensive Post-harvest and Ancillary Industries Plan.* – The Department shall conduct a regular study of fisheries post-harvest operations and ancillary industries, in the formulation of a comprehensive plan for post-harvest and ancillary industries. It shall take into account among others, the following:

- (a) detailed and clear guidelines on the distribution, construction, maintenance and use of post-harvest infrastructure facilities;
- (b) extension of credit and incentives for post-harvest operations;
- (c) promotion and strengthening of semi-processing, processing and handling;
- (d) development of domestic fishmeal industry;
- (e) development of fisheries ship-building and repair as a viable industry;
- (f) development and strengthening of marketing facilities and activities, including the pricing system, with emphasis on collective marketing and the elimination of middlemen;
- (g) increased participation of cooperatives and non-governmental organizations in post-harvest operations and ancillary industries; and
- (h) integration of fisheries post-harvest operations into the national fisheries plan.

SEC. 59. *Establishment of Post-Harvest Facilities for Fishing Communities.* – The LGUs shall coordinate with the private sector and other concerned agencies and FARMCs in the establishment of post-harvest

facilities for fishing communities such as, but not limited to, municipal fish landing sites, fish ports, ice plants and cold storage and other fish processing establishments to serve primarily the needs of municipal fisherfolk: *Provided*, That such post-harvest facilities shall be consistent with the Comprehensive Post-Harvest and Ancillary Industries Plan.

SEC. 60. Registration and Licensing of all Post-Harvest Facilities. – All post-harvest facilities such as fish processing plants, ice plants, and cold storages, fish ports/landings and other fishery business establishments must register with and be licensed by the LGUs which shall prescribe minimum standards for such facilities in consultation with the Department.

SEC. 61. Importation and Exportation of Fishery Products.

- (a) Export of fishery products shall be regulated whenever such exportation affects domestic food security and production: *Provided*, That exportation of live fish shall be prohibited except those which are hatched or propagated in accredited hatcheries and ponds;
- (b) To protect and maintain the local biodiversity or ensure the sufficiency of domestic supply, spawners, breeders, eggs and fry of bangus, prawn and other endemic species, as may be determined by the Department, shall not be exported or caused to be exported by any person;
- (c) Fishery products may be imported only when the importation has been certified as necessary by the Department in consultation with the FARMC, and all the requirements of this Code, as well as all existing rules and regulations have been complied with: *Provided*, That fish imports for canning/processing purposes only may be allowed without the necessary certification, but within the provisions of Section 61(d) of this Code; and
- (d) No person, shall import and/or export fishery products of whatever size, stage or form for any purpose without securing a permit from the Department.

The Department in consultation with the FARMC shall promulgate rules and regulations on importation and exportation of fish and fishery/aquatic resources with the Government's export/import simplification procedures.

SEC. 62. Instruments of Weights and Measures, and Quality Grades/Standards. – Standards for weights, volume and other measurements for all fishery transactions shall be set by the Department.

All fish and fishery products for export, import and domestic consumption shall meet the quality grades/standards as determined by the Department.

The LGU concerned shall, by appropriate ordinance, penalize fraudulent practices and unlawful possession or use of instruments of weights and measures.

CHAPTER III

RECONSTITUTION OF THE BUREAU OF FISHERIES AND AQUATIC RESOURCES AND CREATION OF FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCILS

ARTICLE I

RECONSTITUTION OF THE BUREAU OF FISHERIES AND AQUATIC RESOURCES

SECTION 63. Creation of the Position of Undersecretary for Fisheries and Aquatic Resources. – There is hereby created in the Department of Agriculture the position of Undersecretary for Fisheries and

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Aquatic Resources, solely for the purpose of attending to the needs of the fishing industry, to be appointed by the President. Such Undersecretary shall have the following functions:

- (a) set policies and formulate standards for the effective, efficient and economical operations of the fishing industry in accordance with the programs of the government;
- (b) exercise overall supervision over all functions and activities of all offices and instrumentalities and other offices related to fisheries including its officers;
- (c) establish, with the assistance of the director, such regional, provincial and other fishery officers as may be necessary and appropriate and organize the internal structure of BFAR in such manner as is necessary for the efficient and effective attainment of its objectives and purposes; and
- (d) perform such other functions as may be necessary or proper to attain the objectives of this Code.

SEC. 64. Reconstitution of the BFAR. – The Bureau of Fisheries and Aquatic Resources (BFAR) is hereby reconstituted as a line bureau under the Department of Agriculture.

SEC. 65. Functions of the Bureau of Fisheries and Aquatic Resources. – As a line bureau, the BFAR shall have the following functions:

- (a) prepare and implement a Comprehensive National Fisheries Industry Development Plan;
- (b) issue licenses for the operation of commercial fishing vessels;
- (c) issue identification cards free of charge to fishworkers engaged in commercial fishing;
- (d) monitor and review joint fishing agreements between Filipino citizens and foreigners who conduct fishing activities in international waters, and ensure that such agreements are not contrary to Philippine commitment under international treaties and convention on fishing in the high seas;
- (e) formulate and implement a Comprehensive Fishery Research and Development Program, such as, but not limited to, sea farming, sea ranching, tropical/ornamental fish and seaweed culture, aimed at increasing resource productivity, improving resource use efficiency, and ensuring the long-term sustainability of the country's fishery and aquatic resources;
- (f) establish and maintain a Comprehensive Fishery Information System;
- (g) provide extensive development support services in all aspects of fisheries production, processing and marketing;
- (h) provide advisory services and technical assistance on the improvement of quality of fish from the time it is caught (i.e., on board fishing vessel, at landing areas, fish markets, to the processing plants and to the distribution and marketing chain);
- (i) coordinate efforts relating to fishery production undertaken by the primary fishery producers, LGUs, FARMCs, fishery and organizations/cooperatives;
- (j) advise and coordinate with LGUs on the maintenance of proper sanitation and hygienic practices in fish markets and fish landing areas;
- (k) establish a corps of specialists in collaboration with the Department of National Defense, Department of the Interior and Local Government, Department of Foreign Affairs for the efficient monitoring, control and surveillance of fishing activities within Philippine territorial waters and provide the necessary facilities, equipment and training therefor;

- (l) implement an inspection system for import and export of fishery/aquatic products and fish processing establishments, consistent with international standards to ensure product quality and safety;
- (m) coordinate with LGUs and other concerned agencies for the establishment of productivity enhancing and market development programs in fishing communities to enable women to engage in other fisheries/economic activities and contribute significantly to development efforts;
- (n) enforce all laws, formulate and enforce all rules and regulations governing the conservation and management of fishery resources, except in municipal waters, and to settle conflicts of resource use and allocation in consultation with the NFARMC, LGUs and local FARMCs;
- (o) develop value-added fishery-products for domestic consumption and export;
- (p) recommend measures for the protection/enhancement of the fishery industries;
- (q) assist the LGUs in developing their technical capability in the development, management, regulation, conservation, and protection of the fishery resources;
- (r) formulate rules and regulations for the conservation and management of straddling fish stocks and highly migratory fish stocks; and
- (s) perform such other related functions which shall promote the development, conservation, management, protection and utilization of fisheries and aquatic resources.

SEC. 66. Composition of BFAR. – As a line bureau, the BFAR shall be headed by a Director and assisted by two Assistant Directors who shall supervise the administrative and technical services of the bureau respectively. It shall establish regional, provincial and municipal offices as may be appropriate and necessary to carry out effectively and efficiently the provisions of this Code.

SEC. 67. Fisheries Inspection and Quarantine Service. – For purposes of monitoring and regulating the importation and exportation of fish and fishery/aquatic resources, the Fisheries Inspection and Quarantine Service in the BFAR is hereby strengthened and shall have the following functions:

- (a) conduct fisheries quarantine and quality inspection of all fish and fishery/aquatic products coming into and going out of the country by air or water transport, to detect the presence of fish pest and diseases and if found to harbor fish pests or diseases shall be confiscated and disposed of in accordance with environmental standards and practices;
- (b) implement international agreements/commitments on biosafety and biodiversity as well as prevent the movement or trade of endemic fishery and aquatic resources to ensure that the same are not taken out of the country;
- (c) quarantine such aquatic animals and other fishery products determined or suspected to be with fishery pests and diseases and prevent the movement or trade from and/or into the country of these products so prohibited or regulated under existing laws, rules and regulations as well as international agreements of which the Philippines is a State Party;
- (d) examine all fish and fishery products coming into or going out of the country which may be a source or medium of fish pests or diseases and/or regulated by existing fishery regulations and ensure that the quality of fish import and export meet international standards; and
- (e) document and authorize the movement or trade of fish and fishery products when found free of fish pests or diseases and collect necessary fees prescribed by law and regulations.

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ARTICLE II

THE FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCILS

SECTION 68. *Development of Fisheries and Aquatic Resources in Municipal Waters and Bays.* – Fisherfolk and their organizations residing within the geographical jurisdiction of the barangays, municipalities or cities with the concerned LGUs shall develop the fishery/aquatic resources in municipal waters and bays.

SEC. 69. *Creation of Fisheries and Aquatic Resources Management Councils (FARMCs).* – FARMCs shall be established in the national level and in all municipalities/cities abutting municipal waters as defined by this Code. The FARMCs shall be formed by fisherfolk organizations/cooperatives and NGOs in the locality and be assisted by the LGUs and other government entities. Before organizing FARMCs, the LGUs, NGOs, fisherfolk, and other concerned People’s Organizations (POs) shall undergo consultation and orientation on the formation of FARMCs.

SEC. 70. *Creation and Composition of the National Fisheries and Aquatic Resources Management Council (NFARMC).* – There is hereby created a National Fisheries and Aquatic Resources Management Council hereinafter referred to as NFARMC as an advisory/recommendatory body to the Department. The NFARMC shall be composed of 15 members consisting of:

- (a) the Undersecretary of Agriculture, as Chairman;
- (b) the Undersecretary of the Interior and Local Government;
- (c) five members representing the fisherfolk and fishworkers;
- (d) five members representing commercial fishing and aquaculture operators and the processing sectors;
- (e) two members from the academe; and
- (f) one representative of NGOs involved in fisheries.

The members of the NFARMC, except for the Undersecretary of Agriculture and the Undersecretary of the Interior and Local Government, shall be appointed by the President upon the nomination of their respective organizations.

SEC. 71. *Terms of Office.* – The members of NFARMC, except the Undersecretary of Agriculture and the Undersecretary of the Interior and Local Government, shall serve for a term of three years without reappointment.

SEC. 72. *Functions of the NFARMC.* – The NFARMC shall have the following functions:

- (a) assist in the formulation of national policies for the protection, sustainable development and management of fishery and aquatic resources for the approval of the Secretary;
- (b) assist the Department in the preparation of the National Fisheries and Industry Development Plan; and
- (c) perform such other functions as may be provided by law.

SEC. 73. *The Municipal/City Fisheries and Aquatic Resources Management Councils (M/CFARMCs).* – The M/CFARMCs shall be created in each of the municipalities and cities abutting municipal waters. However, the LGU may create the Barangay Fisheries and Aquatic Resources Management Councils

(BFARMCs) and the Lakewide Fisheries and Aquatic Resources Management Councils (LFARMCs) whenever necessary. Such BFARMCs and LFARMCs shall serve in an advisory capacity to the LGUs.

SEC. 74. Functions of the M/CFARMCs. – The M/CFARMCs shall exercise the following functions:

- (a) assist in the preparation of the Municipal Fishery Development Plan and submit such plan to the Municipal Development Council;
- (b) recommend the enactment of municipal fishery ordinances to the *sangguniang bayan/sangguniang panlungsod* through its Committee on Fisheries;
- (c) assist in the enforcement of fishery laws, rules and regulations in municipal waters;
- (d) advise the *sangguniang bayan/panlungsod* on fishery matters through its Committee on Fisheries, if such has been organized; and
- (e) perform such other functions which may be assigned by the *sangguniang bayan/panlungsod*.

SEC. 75. Composition of the M/CFARMC. – The regular member of the M/CFARMCs shall be composed of:

- (a) Municipal/City Planning Development Officer;
- (b) Chairperson, Agriculture/Fishery Committee of the *Sangguniang Bayan/Panlungsod*;
- (c) representative of the Municipal/City Development Council;
- (d) representative from the accredited non-government organization;
- (e) representative from the private sector;
- (f) representative from the Department of Agriculture; and
- (g) at least 11 fisherfolk representatives (seven municipal fisherfolk, one fishworker and three commercial fishers) in each municipality/city which include representative from youth and women sector.

The Council shall adopt rules and regulations necessary to govern its proceedings and election.

SEC. 76. The Integrated Fisheries and Aquatic Resources Management Councils (IFARMCs). – The IFARMCs shall be created in bays, gulfs, lakes and rivers and dams bounded by two or more municipalities/cities.

SEC. 77. Functions of the IFARMCs. – The IFARMC shall have the following functions:

- (a) assist in the preparation of the Integrated Fishery Development Plan and submit such plan to the concerned Municipal Development Councils;
- (b) recommend the enactment of integrated fishery ordinances to the concerned *sangguniang bayan/panlungsod* through its Committee on Fisheries, if such has been organized;
- (c) assist in the enforcement of fishery laws, rules and regulations in concerned municipal waters;
- (d) advise the concerned *sangguniang bayan/panlungsod* on fishery matters through its Committee on Fisheries, if such has been organized; and
- (e) perform such other functions which may be assigned by the concerned *sangguniang bayan/panlungsod*.

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SEC. 78. Composition of the IFARMCs. – The regular members of the IFARMCs shall be composed of the following:

- (a) the chairperson of the Committee on Agriculture/Fisheries of the concerned *sangguniang bayan/panlungsod*;
- (b) the Municipal/City Fisheries Officers of the concerned municipalities/cities;
- (c) the Municipal/City Development Officers of the concerned municipalities/cities;
- (d) one representative from NGO;
- (e) one representative from private sector; and
- (f) at least nine representatives from the fisherfolk sector which include representatives from the youth and women sector.

The Council shall adopt rules and regulations necessary to govern its proceedings and election.

SEC. 79. Source of Funds of the FARMCs. – A separate fund for the NFARMC, IFARMCs and M/CFARMCs shall be established and administered by the Department from the regular annual budgetary appropriations.

CHAPTER IV

FISHERY RESERVES, REFUGE AND SANCTUARIES

SECTION 80. Fishing Areas Reserves for Exclusive Use of Government. – The Department may designate area or areas in Philippine waters beyond 15 kilometers from shoreline as fishery reservation for the exclusive use of the government or any of its political subdivisions, agencies or instrumentalities, for propagation, educational, research and scientific purposes: *Provided*, That in municipalities or cities, the concerned LGUs in consultation with the FARMCs may recommend to the Department that portion of the municipal waters be declared as fishery reserves for special or limited use, for educational, research, and/or special management purposes. The FARMCs may recommend to the Department portions of the municipal waters which can be declared as fisheries reserves for special or limited use for educational, research and special management purposes.

SEC. 81. Fish Refuge and Sanctuaries. – The Department may establish fish refuge and sanctuaries to be administered in the manner to be prescribed by the BFAR at least 25 percent but not more than 40 percent of bays, foreshore lands, continental shelf or any fishing ground shall be set aside for the cultivation of mangroves to strengthen the habitat and the spawning grounds of fish. Within these areas no commercial fishing shall be allowed. All marine fishery reserves, fish sanctuaries and mangrove swamp reservations already declared or proclaimed by the President or legislated by the Congress of the Philippines shall be continuously administered and supervised by the concerned agency: *Provided, however*, That in municipal waters, the concerned LGU in consultation with the FARMCs may establish fishery refuge and sanctuaries. The FARMCs may also recommend fishery refuge and sanctuaries: *Provided, further*, That at least 15 percent where applicable of the total coastal areas in each municipality shall be identified, based on the best available scientific data and in consultation with the Department, and automatically designated as fish sanctuaries by the LGUs in consultation with the concerned FARMCs.

CHAPTER V

FISHERIES RESEARCH AND DEVELOPMENT

SECTION 82. *Creation of a National Fisheries Research and Development Institute (NFRDI).* – In recognition of the important role of fisheries research in the development, management, conservation and protection of the country's fisheries and aquatic resources, there is hereby created a National Fisheries Research and Development Institute (NFRDI).

The Institute shall form part of the National Research and Development Network of the Department of Science and Technology (DOST).

The Institute, which shall be attached to the Department shall serve as the primary research arm of the BFAR. The overall governance of the Institute shall be vested in the Governing Board which shall formulate policy guidelines for its operation. The plans, programs and operational budget shall be passed by the Board. The Board may create such committees as it may deem necessary for the proper and effective performance of its functions. The composition of the Governing Board shall be as follows:

- (a) Undersecretary for Fisheries – Chairman
- (b) BFAR Director – Vice Chairman
- (c) NFRDI Executive Director – Member
- (d) PCAMRD Executive Director – Member
- (e) Representative from the academe – Member
- (f) four representatives from the private sector who shall come from the following subsectors: Members
 - (1) Municipal Fisherfolk
 - (2) Commercial Fishing Operator
 - (3) Aquaculture Operator
 - (4) Post-Harvest/Processor

The NFRDI shall have a separate budget specific to its manpower requirements and operations to ensure the independent and objective implementation of its research activities.

SEC. 83. *Qualification Standard.* – The Institute shall be headed by an Executive Director to be appointed by the President of the Philippines upon the recommendation of the governing board. The Executive Director shall hold a Doctorate degree in fisheries and/or other related disciplines. The organizational structure and staffing pattern shall be approved by the Department: Provided, however, That the staffing pattern and remunerations for scientific and technical staff shall be based on the qualification standards for science and technology personnel.

SEC. 84. *Research and Development Objectives.* – Researches to be done by the NFRDI are expected to result in the following:

- (a) To raise the income of the fisherfolk and to elevate the Philippines among the top five (5) in the world ranking in the fish productions;
- (b) to make the country's fishing industry in the high seas competitive;
- (c) to conduct social research on fisherfolk families for a better understanding of their conditions and needs; and

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- (d) to coordinate with the fisheries schools, LGUs and private sectors regarding the maximum utilization of available technology, including the transfer of such technology to the industry particularly the fisherfolk.

SEC. 85. Functions of the NFRDI . – As a national institute, the NFRDI shall have the following functions:

- (a) establish a national infrastructure unit complete with technologically-advanced features and modern scientific equipment, which shall facilitate, monitor, and implement various research needs and activities of the fisheries sector;
- (b) provide a venue for intensive training and development of human resources in the field of fisheries, a repository of all fisheries researches and scientific information;
- (c) provide intensive training and development of human resources in the field of fisheries for the maximum utilization of available technology;
- (d) hasten the realization of the economic potential of the fisheries sector by maximizing developmental research efforts in accordance with the requirements of the national fisheries conservations and development programs, also possibly through collaborative effort with international institutions; and
- (e) formally establish, strengthen and expand the network of fisheries-researching communities through effective communication linkages nationwide.

CHAPTER VI

PROHIBITIONS AND PENALTIES

SECTION 86. Unauthorized Fishing or Engaging in Other Unauthorized Fisheries Activities. – No person shall exploit, occupy, produce, breed, culture, capture or gather fish, fry or fingerlings of any fishery species or fishery products, or engage in any fishery activity in Philippine waters without a license, lease or permit.

Discovery of any person in an area where he has no permit or registration papers for a fishing vessel shall constitute a *prima facie* presumption that the person and/or vessel is engaged in unauthorized fishing: *Provided*, That fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes may be allowed.

It shall be unlawful for any commercial fishing vessel to fish in bays and in such other fishery management areas which may hereinafter be declared as over-exploited.

Any commercial fishing boat captain or the three highest officers of the boat who commit any of the above prohibited acts upon conviction shall be punished by a fine equivalent to the value of catch or Ten Thousand Pesos (P10,000) whichever is higher, and imprisonment of six months, confiscation of catch and fishing gears, and automatic revocation of license.

It shall be unlawful for any person not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal waters. Any municipal fisherfolk who commits such violation shall be punished by confiscation of catch and a fine of Five Hundred Pesos (P500).

SEC. 87. Poaching in Philippine Waters. – It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.

The entry of any foreign fishing vessel in Philippine waters shall constitute a *prima facie* evidence that the vessel is engaged in fishing in Philippine waters.

Violation of the above shall be punished by a fine of One Hundred Thousand U.S. Dollars (US\$100,000), in addition to the confiscation of its catch, fishing equipment and fishing vessel: *Provided*, That the Department is empowered to impose an administrative fine of not less than Fifty Thousand U.S. Dollars (US\$50,000) but not more than Two Hundred Thousand U.S. Dollars (US\$200,000) or its equivalent in the Philippine Currency.

Sec. 88. Fishing Through Explosives, Noxious or Poisonous Substance, and/or Electricity.

- (1) It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered, fish or any fishery species in Philippine waters with the use of electricity, explosives, noxious or poisonous substance such as sodium cyanide in the Philippine fishery areas, which will kill, stupefy, disable or render unconscious fish or fishery species: *Provided*, That the Department, subject to such safeguards and conditions deemed necessary and endorsement from the concerned LGUs, may allow, for research, educational or scientific purposes only, the use of electricity, poisonous or noxious substances to catch, take or gather fish or fishery species: *Provided, further*, That the use of poisonous or noxious substances to eradicate predators in fishponds in accordance with accepted scientific practices and without causing adverse environmental impact in neighboring waters and grounds shall not be construed as illegal fishing.

It will likewise be unlawful for any person, corporation or entity to possess, deal in, sell or in any manner dispose of, any fish or fishery species which have been illegally caught, taken or gathered.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electro-fishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing boat official or fishworker shall constitute *prima facie* evidence, that the same was used for fishing in violation of this Code. The discovery in any fishing vessel of fish caught or killed with the use of explosive, noxious or poisonous substances or by electricity shall constitute *prima facie* evidence that the fisherfolk, operator, boat official or fishworker is fishing with the use thereof.

- (2) Mere possession of explosive, noxious or poisonous substances or electrofishing devices for illegal fishing shall be punishable by imprisonment ranging from six months to two years.
- (3) Actual use of explosives, noxious or poisonous substances or electrofishing devices for illegal fishing shall be punishable by imprisonment ranging from five years to 10 years without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life.
- (4) Dealing in, selling, or in any manner disposing of, for profit, illegally caught/gathered fisheries species shall be punished by imprisonment ranging from six months to two years.
- (5) In all cases enumerated above, the explosives, noxious or poisonous substances and/or electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited.

Sec. 89. Use of Fine Mesh Net. – It shall be unlawful to engage in fishing using nets with mesh smaller than that which may be fixed by the Department: *Provided*, That the prohibition on the use of fine mesh net shall not apply to the gathering of fry, glass eels, elvers, *tabios*, and *alamang* and such species which by their nature are small but already mature to be identified in the implementing rules and regulations by the Department.

Violation of the above shall subject the offender to a fine from Two Thousand Pesos (P2,000) to Twenty Thousand Pesos (P20,000) or imprisonment from six months to two years or both such fine and imprisonment at the discretion of the court: *Provided*, That if the offense is committed by a commercial

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fishing vessel, the boat captain and the master fisherman shall also be subject to the penalties provided herein: *Provided, further*, That the owner/operator of the commercial fishing vessel who violates this provision shall be subjected to the same penalties provided herein: *Provided, finally*, That the Department is hereby empowered to impose upon the offender an administrative fine and/or cancel his permit or license or both.

SEC. 90. Use of Active Gear in the Municipal Waters and Bays and Other Fishery Management Areas. – It shall be unlawful to engage in fishing in municipal waters and in all bays as well as other fishery management areas using active fishing gears as defined in this Code.

Violators of the above prohibitions shall suffer the following penalties:

- (1) The boat captain and master fisherman of the vessels who participated in the violation shall suffer the penalty of imprisonment from two years to six years;
- (2) The owner/operator of the vessel shall be fined from Two Thousand Pesos (P2,000) to Twenty Thousand Pesos (20,000) upon the discretion of the court.

If the owner/operator is a corporation, the penalty shall be imposed on the chief executive officer of the Corporation.

If the owner/operator is a partnership the penalty shall be imposed on the managing partner.

- (3) The catch shall be confiscated and forfeited.

SEC. 91. Ban on Coral Exploitation and Exportation. – It shall be unlawful for any person or corporation to gather, possess, sell or export ordinary precious and semi-precious corals, whether raw or in processed form, except for scientific or research purposes.

Violations of this provision shall be punished by imprisonment from six months to two years and a fine from Two Thousand Pesos (P2,000) to Twenty Thousand Pesos (20,000), or both such fine and imprisonment, at the discretion of the court, and forfeiture of the subject corals, including the vessel and its proper disposition.

The confiscated corals shall either be returned to the sea or donated to schools and museums for educational or scientific purposes or disposed through other means.

SEC. 92. Ban on Muro-Ami Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. – It shall be unlawful for any person, natural or juridical, to fish with gear method that destroys coral reefs, seagrass beds, and other fishery marine life habitat as may be determined by the Department. “Muro-Ami” and any of its variation, and such similar gear and methods that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species are also prohibited.

The operator, boat captain, master fisherman, and recruiter or organizer of fishworkers who violate this provision shall suffer a penalty of two years to 10 years imprisonment and a fine of not less than One Hundred Thousand Pesos (P100,000) to Five Hundred Thousand Pesos (P500,000) or both such fine and imprisonment, at the discretion of the court. The catch and gear used shall be confiscated.

It shall likewise be unlawful for any person or corporation to gather, sell or export white sand, silica, pebbles and any other substances which make up any marine habitat.

The person or corporation who violates this provision shall suffer a penalty of two years to 10 years imprisonment and a fine of not less than One Hundred Thousand Pesos (P100,000) to Five Hundred

Thousand Pesos (P500,000) or both such fine and imprisonment, at the discretion of the court. The substance taken from its marine habitat shall be confiscated.

SEC. 93. *Illegal Use of Superlights.* – It shall be unlawful to engage in fishing with the use of superlights in municipal waters or in violation of the rules and regulations which may be promulgated by the Department on the use of superlights outside municipal waters.

Violations of this provision shall be punished by imprisonment from six months to two years or a fine of Five Thousand Pesos (P5,000) per superlight, or both such fine and imprisonment at the discretion of the courts. The superlight, fishing gears and vessel shall be confiscated.

SEC. 94. *Conversion of Mangroves.* – It shall be unlawful for any person to convert mangroves into fishponds or for any other purposes.

Violation of the provision of this Section shall be punished by imprisonment of six years and one day to 12 years and/or a fine of Eighty Thousand Pesos (P80,000): *Provided*, That if the area requires rehabilitation or restoration as determined by the court, the offender should also be required to restore or compensate for the restoration of the damage.

SEC. 95. *Fishing in Overfished Area and During Closed Season.* – It shall be unlawful to fish in overfished area and during closed season.

Violation of the provision of this Sec. shall be punished by imprisonment of six months and one day to six years and/or fine of Six Thousand Pesos (P6,000) and by forfeiture of the catch and cancellation of fishing permit or license.

SEC. 96. *Fishing in Fishery Reserves, Refuge and Sanctuaries.* – It shall be unlawful to fish in fishery areas declared by the Department as fishery reserves, refuge and sanctuaries.

Violation of the provision of this Section shall be punished by imprisonment of two years to six years and/or fine of Two Thousand Pesos (P2,000) to Twenty Thousand Pesos (P20,000) and by forfeiture of the catch and the cancellation of fishing permit or license.

SEC. 97. *Fishing Or Taking of Rare, Threatened or Endangered Species.* – It shall be unlawful to fish or take rare, threatened or endangered species as listed in the CITES and as determined by the Department.

Violation of the provision of this Section shall be punished by imprisonment of 12 years to 20 years and/or a fine of One Hundred and Twenty Thousand Pesos (P120,000) and forfeiture of the catch, and the cancellation of fishing permit.

SEC. 98. *Capture of Sabalo and Other Breeders/Spawners.* – It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or *sabalo* and such other breeders or spawners of other fishery species as may be determined by the Department: *Provided*, That catching of *sabalo* and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines to be promulgated by the Department.

Violation of the provision of this Sec. shall be punished by imprisonment of six months and one day to eight years and/or a fine of Eighty Thousand Pesos (P80,000) and forfeiture of the catch, and fishing equipment used and revocation of license.

SEC. 99. *Exportation of Breeders, Spawners, Eggs or Fry.* – Exportation of breeders, spawners, eggs or fry as prohibited in this Code shall be punished by imprisonment of eight years, confiscation of the same

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or a fine equivalent to double the value of the same, and revocation of the fishing and/or export license/permit.

SEC. 100. Importation or Exportation of Fish or Fishery Species. – Any importation or exportation of fish or fisheries species in violation of this Code shall be punished by eight years of imprisonment, a fine of Eighty Thousand Pesos (P80,000) and destruction of live fishery species or forfeiture of non-live fishery species in favor of the Department for its proper disposition: *Provided*, That violator of this provision shall be banned from being members or stock holders of companies currently engaged in fisheries or companies to be created in the future, the guidelines for which shall be promulgated by the Department.

SEC. 101. Violation of Catch Ceilings. – It shall be unlawful for any person to fish in violation of catch ceilings as determined by the Department. Violation of the provision of this Section shall be punished by imprisonment of six months and one day to six years and/or a fine of Fifty Thousand Pesos (P50,000) and forfeiture of the catch, and fishing equipment used and revocation of license.

SEC. 102. Aquatic Pollution. – Aquatic pollution, as defined in this Code shall be unlawful.

Violation of the provision of this Sec. shall be punished by imprisonment of six years and one day to 12 years and/or a fine of Eighty Thousand Pesos (P80,000) plus an additional fine of Eight Thousand Pesos (P8,000) per day until such violation ceases and the fines paid.

SEC. 103. Other Violations. – The following fisheries activities shall also be considered as a violation of this Code:

- (a) *Failure to Comply with Minimum Safety Standards.* – The owner and captain of a commercial fishing vessel engaged in fishing who, upon demand by proper authorities, fails to exhibit or show proof of compliance with the safety standards provided in this Code, shall be immediately prevented from continuing with his fishing activity and escorted to the nearest port or landing point. The license to operate the commercial fishing vessel shall be suspended until the safety standard has been complied with.
- (b) *Failure to Conduct a Yearly Report on all Fishponds, Fish Pens and Fish Cages.* – The FLA of the holder who fails to render a yearly report shall be immediately cancelled: *Provided*, That if the offender be the owner of the fishpond, fish pen or fish cage, he shall be subjected to the following penalties: (1) first offense, a fine of Five Hundred Pesos (P500) per unreported hectare; (2) subsequent offenses, a fine of One Thousand Pesos (P1,000) per unreported hectare.
- (c) *Gathering and Marketing of Shell Fishes.* – It shall be unlawful for any person to take, sell, transfer, or have in possession for any purpose any shell fish which is sexually mature or below the minimum size or above the maximum quantities prescribed for the particular species.
- (d) *Obstruction to Navigation or Flow and Ebb of Tide in any Stream, River, Lake or Bay.* – It shall be unlawful for any person who causes obstruction to navigation or flow or ebb of tide.
- (e) *Construction and Operation of Fish Corrals/Traps, Fish Pens and Fish Cages.* – It shall be unlawful to construct and operate fish corrals/traps, fish pens and fish cages without a license/permit.

Subject to the provision of subparagraph (b) of this Section, violation of the above-enumerated prohibited acts shall subject the offender to a fine ranging from Two Thousand Pesos (P2,000) to Ten Thousand Pesos (P10,000) or imprisonment from one month and one day to six months, or both such fine and imprisonment, upon the discretion of the court: *Provided*, That the Secretary is hereby empowered to impose upon the offender an administrative fine of not more than Ten Thousand Pesos (P10,000) or to cancel his permit or license, or to impose such fine and to cancel his permit or license,

in the discretion of the Secretary: *Provided, further*, That the Secretary, or his duly authorized representative, and law enforcement agents are hereby empowered to impound with the assistance of the Philippine Coast Guard, PNP-Maritime Command: *Provided, finally*, That any person who unlawfully obstructs or delays the inspection and/or movement of fish and fishery/aquatic products when such inspection and/or movement is authorized under this Code, shall be subject to a fine of not more than Ten Thousand Pesos (P10,000) or imprisonment of not more than two years, or both such fine and imprisonment, upon the discretion of the court.

Every penalty imposed for the commission of an offense shall carry with it the forfeiture of the proceeds of such offense and the instruments or tools with which it was committed.

Such proceeds and instruments or tools shall be confiscated and forfeited in favor of the Government, unless they be the property of a third person not liable for the offense, but those articles which are not subject of lawful commerce shall be destroyed.

SEC. 104. Commercial Fishing Vessel Operators Employing Unlicensed Fisherfolk or Fishworker or Crew.

– The owner/operator of a commercial fishing vessel employing unlicensed fisherfolk or fishworker shall be fined Five Hundred Pesos (P500) each for every month that the same has been employed and/or One Thousand Pesos (P1,000) for every month for each unlicensed crew member who has been employed.

SEC. 105. Obstruction of Defined Migration Paths. – Obstruction of any defined migration paths of anadromous, catadromous and other migratory species, in areas including, but not limited to river mouths and estuaries within a distance determined by the concerned FARMCs shall be punished by imprisonment of seven years to 12 years or a fine from Fifty Thousand Pesos (P50,000) to One Hundred Thousand Pesos (P100,000) or both imprisonment and fine at the discretion of the court, and cancellation of permit/license, if any, and dismantling of obstruction shall be at his own expense and confiscation of same.

SEC. 106. Obstruction to Fishery Law Enforcement Officer. – The boat owner, master or operator or any person acting on his behalf of any fishing vessel who evades, obstructs or hinders any fishery law enforcement officer of the Department to perform his duty, shall be fined Ten Thousand Pesos (P10,000). In addition, the registration, permit and/or license of the vessel including the license of the master fisherman shall be canceled.

SEC. 107. Promulgation of Administrative Orders. – For purposes of fishery regulation or other fishery adjustments, the Department in consultation with the LGUs and local FARMCs, shall issue Fishery Administrative Orders or regulations for the conservation, preservation, management and sustainable development of fishery and aquatic resources.

CHAPTER VII

GENERAL PROVISIONS

SECTION 108. Fisherfolk Settlement Areas. – The Department shall establish and create fisherfolk settlement areas in coordination with concerned agencies of the government, where certain areas of the public domain, specifically near the fishing grounds, shall be reserved for the settlement of the municipal fisherfolk. Nothing in this Section shall be construed to vest ownership of any resettlement area to a municipal fisherfolk for whom said areas may have been reserved for or had been actually granted to.

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SEC. 109. *Municipal Fisheries Grant Fund.* – For the development, management and conservation of the municipal resources, there is hereby created a Fishery Grant Fund to finance fishery projects of the LGUs primarily for the upliftment of the municipal fisherfolk. The amount of One Hundred Million Pesos (P100 million) is hereby appropriated out of the Department’s allocation in the General Appropriations Act (GAA) to support the Grant Fund.

For this purpose, the Department may seek financial assistance from any source and may receive any donation therefore.

SEC. 110. *Fishery Loan and Guarantee Fund.* – Pursuant to Section 7, Article XIII of the Constitution, there is hereby created a Fishery Loan and Guarantee Fund with an initial of One Hundred Million Pesos (P100 million), which shall be administered by the Land Bank of the Philippines. The fund shall be made available for lending to qualified borrowers to finance the development of the fishery industry under a program to be prescribed by the Department.

For the same purpose, the Department may seek financial assistance from any source and may receive any donation therefrom.

SEC. 111. *Fishing Vessels Development Fund.* – There is hereby created a Fishing Vessels Development Fund to enhance the building and/or acquisition of fishing vessels. This shall be a long-term loan facility that shall be administered by the Development Bank of the Philippines. The amount of Two Hundred and Fifty Million Pesos (P250 million) per year for five years is hereby appropriated out of the Department’s allocation in the GAA to support this Development Fund.

SEC. 112. *Special Fisheries Science and Appropishtech Fund.* – The Department shall provide subsidy for full technical and financial support to the development of appropriate technology, both in fishery and ancillary industries, that are ecologically sound, locally source-based and labor intensive, based on the requirement and needs of the FARMCs. An initial amount of One Hundred Million Pesos (100 million) shall be authorized for the purpose of a Special Fisheries Science and Appropishtech Fund, and thereafter shall be included in the GAA.

SEC. 113. *Aquaculture Investment Fund.* – An Aquaculture Investment Fund in the minimum amount of Fifty Million Pesos (P50 million) shall be established for soft loans which shall be extended to municipal fisherfolk and their organization who will engage in aquaculture, and for the development of underdeveloped or underutilized inland fishponds.

SEC. 114. *Other Fisheries Financing Facilities.* – In addition to fisheries credit guarantee, grant and other similar facilities granted under this Code, qualified Filipino fisherfolk and fisheries enterprises shall enjoy such other facilities granted them under existing and/or new laws, specially as to rural credit, with preference being given to fisheries cooperatives.

SEC. 115. *Professionalization of Fisheries Graduates.* – There is hereby created a Fisheries Board of Examiners in the Professional Regulation Commission to upgrade the Fisheries Profession: *Provided, however,* That those who have passed the Civil Service Examination for Fisheries shall automatically be granted eligibility by the Fisheries Board of Examiners: *Provided, further,* That they have served the industry in either public or private capacity for not less than five years: *Provided, finally,* That the first Board Examination for B.S. Fisheries Graduates shall be conducted within one year from the approval of this Code.

SEC. 116. *Upgrading of State Fisheries Schools/Colleges.* – The Department, in coordination with the Commission on Higher Education (CHED), Department of Education, Culture and Sports (DECS), and Technical Education and Skills Development Authority (TESDA), shall upgrade State Fisheries Schools/Colleges which provide both formal and non-formal education: *Provided, however,* That the CHED shall incorporate Approfishtech in the curricula of fisheries schools/colleges.

The Department and the CHED shall jointly formulate standards to upgrade all fisheries schools/colleges. Fisheries schools/colleges that do not meet minimum standards shall be closed.

SEC. 117. *Inclusion of Fisheries Conservation Subjects in School Curriculum.* – Fisheries conservation subjects shall be incorporated in the curricula of elementary and secondary schools both private and public.

SEC. 118. *Educational campaign at all levels.* – The Department, the CHED, the DECS and the Philippine Information Agency shall launch and pursue a nationwide educational campaign to:

- (a) help realize the policies and implement the provisions of this Code;
- (b) promote the development, management, conservation and proper use of the environment;
- (c) promote the principle of sustainable development; and
- (d) promote the development of truly Filipino-oriented fishing and ancillary industries.

SEC. 119. *Infrastructure Support.* – The Department in cooperation with concerned agencies shall:

- (a) prepare and implement a nationwide plan for the development of municipal fishing ports and markets;
- (b) prioritize the construction of farm-to-market roads linking the fisheries production sites, coastal landing points and other post-harvest facilities to major market and arterial roads/highways;
- (c) identify community infrastructure facilities such as fish landing ports, ice plant and cold storage facilities in consultation with fishery cooperatives/associations and prepare plans and designs for their construction that would be consistent with international environmental impact;
- (d) establish and maintain quality laboratories in major fish ports and prescribe the highest standards for the operation and maintenance of such post-harvest facilities;
- (e) arrange and make representations with appropriate funding institutions to finance such facilities for the use of the fishery cooperatives/associations;
- (f) develop and strengthen marketing facilities and promote cooperative marketing systems; and
- (g) promote and strengthen local fisheries ship-building and repair industry.

SEC. 120. *Extension Services.* – The Department shall develop cost-effective, practical and efficient extension services on a sustained basis, in addition to those provided by state educational institutions, especially to municipal fisherfolk in undeveloped areas, utilizing practicable and indigenous resources and government agencies available, and based upon a system of self-reliance and self-help.

SEC. 121. *Protection of Sensitive Technical Information.* – The Department shall take such measures as may be necessary in order to protect trade, industrial and policy information of Filipino fisherfolk, fisheries owners/operators, entrepreneurs, manufacturers and researchers, when disclosure of such information will injure the competitiveness or viability of domestic fisheries.

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SEC. 122. Assistance in Collecting Information. – The Department, in coordination with other government entities concerned, may require Filipino representatives abroad and foreign-based personnel to assist in the collection of fisheries data and information.

SEC. 123. Charting of Navigational Lanes and Delineation of Municipal Waters. – The Department shall authorize the National Mapping and Resource Information Authority (NAMRIA) for the designation and charting of navigational lanes in fishery areas and delineation of municipal waters. The Philippine Coast Guard shall exercise control and supervision over such designated navigational lanes.

SEC. 124. Persons and Deputies Authorized to Enforce this Code and Other Fishery Laws, Rules and Regulations. – The law enforcement officers of the Department, the Philippine Navy, Philippine Coast Guard, Philippine National Police (PNP), PNP-Maritime Command, law enforcement officers of the LGUs and other government enforcement agencies, are hereby authorized to enforce this Code and other fishery laws, rules and regulations. Other competent government officials and employees, punong barangays and officers and members of fisherfolk associations who have undergone training on law enforcement may be designated in writing by the Department as deputy fish wardens in the enforcement of this Code and other fishery laws, rules and regulations.

SEC. 125. Strengthening Prosecution and Conviction of Violators of Fishery Laws. – The Department of Justice (DOJ) shall embark on a program to strengthen the prosecution and conviction aspects of fishery law enforcement through augmentation of the current complement of state prosecutors and through their continuous training and reorientation on fishery laws, rules and regulations.

SEC. 126. Foreign Grants and Aids. – All foreign grants, aids, exchange programs, loans, researches and the like shall be evaluated and regulated by the Department to ensure that such are consistent with the Filipinization, democratization and industrialization of fishing industry and the development of the entire country.

SEC. 127. Mandatory Review. – The Congress of the Philippines shall undertake a mandatory review of this Code at least once every five years and as often as it may deem necessary, to ensure that fisheries policies and guidelines remain responsive to changing circumstances.

CHAPTER VIII

TRANSITORY PROVISIONS

SECTION 128. Moratoria. – The Department shall, upon the recommendation of the Bureau, have the power to declare a moratorium on the issuance of licenses for commercial fishing vessels to operate in specified area or areas in Philippine waters for a limited period of time if there are indications of overfishing brought about by a decrease in the volume and sizes of fish caught therein or for conservation or ecological purposes.

No new licenses and similar privileges on exploitation of specific fishery areas in Philippine waters and aquaculture production areas shall be issued in accordance with this Code. Such moratoria shall not exceed five years from the effectivity of this Code.

SEC. 129. Formulation of Implementing Rules and Regulations. – An Inter-Agency Committee is hereby created to formulate rules and regulations for the full implementation of this Code within 90 days of its effectivity: *Provided, however,* That the formulated rules and regulations shall be submitted to both

Houses of Congress for information and guidance. Such rules and regulations shall take effect upon publication in a newspaper of general circulation.

The Inter-Agency Committee shall be composed of the following:

- (a) Secretary of Agriculture as Chairman;
- (b) Secretary of the Interior and Local Government;
- (c) Secretary of Environment and Natural Resources;
- (d) Secretary of Justice;
- (e) Secretary of Finance;
- (f) Secretary of Budget and Management;
- (g) Secretary of Labor and Employment;
- (h) Secretary of National Defense;
- (i) Commissioner of Civil Service Commission;
- (j) Director of BFAR;
- (k) Executive Director of PCAMRD;
- (l) General Manager of PFDA;
- (m) One representative from each of the following:
 - (a.1) The League of Provinces;
 - (a.2) The League of Cities;
 - (a.3) The League of Municipalities;
 - (a.4) The Liga ng mga Barangay;
- (n) Representative of the municipal fisherfolk;
- (o) Representative of the commercial fishers;
- (p) Representative of the non-government organizations involved in fishing concerns; and
- (q) A representative from the academe coming from the specialized fisheries institution.

CHAPTER IX

FINAL PROVISIONS

SECTION 130. Appropriation. – The sum necessary to effectively carry out the provisions of this Act during the first year of implementation shall be sourced from the budget of the DA/BFAR and other agencies performing fisheries-related functions: *Provided, however,* That such amount as may be necessary to carry out the provisions of Sections 79, 109, 110, 111, 112, 113 are hereby appropriated out of the unappropriated funds of the National Treasury. The Congress of the Philippines shall provide for the appropriations of the Department, the NFRDI and the Fisheries Scholarship Program for the succeeding years to be included in the annual GAA.

SEC. 131. Repealing Clause. – Presidential Decree No. 704, as amended by Presidential Decree Nos. 1015 and 1058, Presidential Decree No. 977, as amended, Executive Order No. 967, Series of 1984, Executive

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Order No. 116, Series of 1987, Executive Order No. 292, Series of 1987, Executive Order No. 473, Series of 1991 and other existing laws except Republic Act No. 7611, decrees, executive orders, and rules and regulations or parts thereof, which are inconsistent with this Code, are hereby repealed or modified accordingly.

SEC. 132. *Separability Clause.* – If any portion or provision of this Code is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby, shall continue in full force and effect.

SEC. 133. *Effectivity.* – This Code shall take effect 15 days after its publication in the Official Gazette or in two newspapers of general publication.

Approved: February 25, 1998.

REPUBLIC ACT No. 8749
PHILIPPINE CLEAN AIR ACT OF 1999

CHAPTER 1

GENERAL PROVISIONS

ARTICLE ONE

BASIC AIR QUALITY POLICIES

SECTION 1. Short Title. – This Act shall be known as the “*Philippine Clean Air Act of 1999.*”

SEC. 2. Declaration of Principles. – The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The State shall promote and protect the global environment to attain sustainable development while recognizing the primary responsibility of local government units to deal with environmental problems.

The State recognizes that the responsibility of cleaning the habitat and environment is primarily area-based.

The State also recognizes the principle that *polluters must pay*.

Finally, the State recognizes that a clean and healthy environment is for the good of all and should, therefore, be the concern of all.

SEC. 3. Declaration of Policies. – The State shall pursue a policy of balancing development and environmental protection. To achieve this end, the framework for sustainable development shall be pursued. It shall be the policy of the State to:

- a) Formulate a holistic national program of air pollution management that shall be implemented by the government through proper delegation and effective coordination of functions and activities;
- b) Encourage cooperation and self-regulation among citizens and industries through the application of market-based instruments;
- c) Focus primarily on pollution prevention rather than on control and provide for a comprehensive management program for air pollution;
- d) Promote public information and education and to encourage the participation of an informed and active public in air quality planning and monitoring; and
- e) Formulate and enforce a system of accountability for short- and long-term adverse environmental impact of a project, program or activity. This shall include the setting up of a funding or guarantee mechanism for clean-up and environmental rehabilitation and compensation for personal damages.

SEC. 4. Recognition of Rights. – Pursuant to the above-declared principles, the following rights of citizens are hereby sought to be recognized and the State shall seek to guarantee their enjoyment:

- a) The right to breathe clean air;
- b) The right to utilize and enjoy all natural resources according to the principles of sustainable development;

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- c) The right to participate in the formulation, planning, implementation and monitoring of environmental policies and programs and in the decision-making process;
- d) The right to participate in the decision-making process concerning development policies, plans and programs projects or activities that may have adverse impact on the environment and public health;
- e) The right to be informed of the nature and extent of the potential hazard of any activity, undertaking or project and to be served timely notice of any significant rise in the level of pollution and the accidental or deliberate release into the atmosphere of harmful or hazardous substances;
- f) The right of access to public records which a citizen may need to exercise his or her rights effectively under this Act;
- g) The right to bring action in court or quasi-judicial bodies to enjoin all activities in violation of environmental laws and regulations, to compel the rehabilitation and clean-up of affected area, and to seek the imposition of penal sanctions against violators of environmental laws; and
- h) The right to bring action in court for compensation of personal damages resulting from the adverse environmental and public health impact of a project or activity.

ARTICLE TWO

DEFINITION OF TERMS

SECTION 5. *Definitions.* – As used in this Act:

- a) *Air pollutant* means any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases in their natural or normal concentrations, that is detrimental to health or the environment, which includes, but not limited to smoke, dust, soot, cinders, fly ash, solid particles of any kind, gases, fumes, chemical mists, steam and radioactive substances;
- b) *Air pollution* means any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources of the country harmful, detrimental, or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes;
- c) *Ambient air quality guideline values* means the concentration of air over specified periods classified as short-term and long-term which are intended to serve as goals or objectives for the protection of health and/or public welfare. These values shall be used for air quality management purposes such as determining time trends, evaluating stages of deterioration or enhancement of the air quality, and in general, used as basis for taking positive action in preventing, controlling, or abating air pollution;
- d) *Ambient air quality* means the general amount of pollution present in a broad area; and refers to the atmosphere's average purity as distinguished from discharge measurements taken at the source of pollution;
- e) *Certificate of Conformity* means a certificate issued by the Department of Environment and Natural Resources to a vehicle manufacturer / assembler or importer certifying that a particular new vehicle or vehicle type meets the requirements provided under this Act and its rules and regulations;
- f) *Department* means the Department of Environment and Natural Resources;
- g) *Eco-profile* means the geographic-based instrument for planners and decision makers which present an evaluation of the environment quality and carrying capacity of an area. It is the result of the integration of primary data and information on natural resources and antropogenic activities on

the land which were evaluated by various environmental risk assessment and forecasting methodologies that enable the Department to anticipate the type of development control necessary in the planning area;

- h) *Emission* means any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere;
- i) *Greenhouse gases* means those gases that can potentially or can reasonably be expected to induce global warming, which include carbon dioxide, oxides of nitrogen, chloroflourocarbons, and the like;
- j) *Hazardous Substances* means those substances which present either: (1) short-term acute hazards such as acute toxicity by ingestion, inhalation, or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire explosion; or (2) long-term toxicity upon repeated exposure, carcinogenicity (which in some cases result in acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters;
- k) *Infectious waste* means that portion of medical waste that could transmit an infectious disease;
- l) *Medical waste* means the materials generated as a result of patient diagnosis, treatment, or immunization of human beings or animals;
- m) *Mobile source* means any vehicle propelled by or through combustion of carbon-based or other fuel, constructed and operated principally for the conveyance of persons or the transportation of property goods;
- n) *Motor vehicle* means any vehicle propelled by a gasoline or diesel engine or by any means other than human or animal power, constructed and operated principally for the conveyance of persons or the transportation of property or goods in a public highway or street open to public use;
- o) *Municipal waste* means the waste materials generated from communities within a specific locality;
- p) *New vehicle* means a vehicle constructed entirely from new parts that has never been sold or registered with the DOTC or with the appropriate agency or authority, and operated on the highways of the Philippines, any foreign state or country;
- q) *Octane Rating or the Anti-Knock Index(AKI)* means the rating of the anti-knock characteristics of a grade or type of automotive gasoline as determined by dividing by two the sum of the Research Octane Number (RON), plus the Motor Octane Number (MON); the octane requirement, with respect to automotive gasoline for use in a motor vehicle or a class thereof, whether imported, manufactured, or assembled by a manufacturer, shall refer to the minimum octane rating of such automotive gasoline which such manufacturer recommends for the efficient operation of such motor vehicle, or a substantial portion of such class, without knocking;
- r) *Ozone Depleting Substances (ODS)* means those substances that significantly deplete or otherwise modify the ozone layer in a manner that is likely to result in adverse effects of human health and the environment such as, but not limited to, chloroflourocarbons, halons and the like;
- s) *Persistent Organic Pollutants (POPs)* means the organic compounds that persist in the environment, bioaccumulate through the food web, and pose a risk of causing adverse effects to human health and the environment. These compounds resist photolytic, chemical and biological degradation, which shall include but not be limited to dioxin, furan, Polychlorinated Biphenyls (PCBs), organochlorine pesticides, such as aldrin, dieldrin, DDT, hexachlorobenzene, lindane, toxaphere and chlordane;
- t) *Poisonous and toxic fumes* means any emissions and fumes which are beyond internationally-accepted standards, including but not limited to the World Health Organization (WHO) guideline values;

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- u) *Pollution control device* means any device or apparatus used to prevent, control or abate the pollution of air caused by emissions from identified pollution sources at levels within the air pollution control standards established by the Department;
- v) *Pollution control technology* means the pollution control devices, production process, fuel combustion processes or other means that effectively prevent or reduce emissions or effluent;
- w) *Standard of performance* means a standard for emissions of air pollutant which reflects the degree of emission limitation achievable through the application of the best system of emission reduction, taking into account the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirement which the Department determines, and adequately demonstrates; and
- x) *Stationary source* means any building or immobile structure, facility or installation which emits or may emit any air pollutant.

CHAPTER 2

AIR QUALITY MANAGEMENT SYSTEM

ARTICLE ONE

GENERAL PROVISIONS

SECTION 6. *Air Quality Monitoring and Information Network.* – The Department shall prepare an annual National Air Quality Status Report which shall be used as the basis in formulating the Integrated Air Quality Improvement Framework, as provided for in Section 7. The said report shall include, but shall not be limited to the following:

- a) Extent of pollution in the country, per type of pollutant and per type of source, based on reports of the Department’s monitoring stations;
- b) Analysis and evaluation of the current state, trends and projections of air pollution at the various levels provided herein;
- c) Identification of critical areas, activities, or projects which will need closer monitoring or regulation;
- d) Recommendations for necessary executive and legislative action; and
- e) Other pertinent qualitative and quantitative information concerning the extent of air pollution and the air quality performance rating of industries in the country.

The Department, in cooperation with the National Statistical Coordination Board (NSCB), shall design and develop an information network for data storage, retrieval and exchange.

The Department shall serve as the central depository of all data and information related to air quality.

SEC. 7. *Integrated Air Quality Improvement Framework.* – The Department shall within six months after the effectivity of this Act, establish, with the participation of LGUs, NGOs, POs, the academe and other concerned entities from the private sector, formulate and implement the Integrated Air Quality Improvement Framework for a comprehensive air pollution management and control program. The framework shall, among others, prescribe the emission reduction goals using permissible standards, control strategies and control measures to undertaken within a specified time period, including cost-effective use of economic incentives, management strategies, collective actions, and environmental education and information.

The Integrated Air Quality Improvement Framework shall be adopted as the official blueprint with which all government agencies must comply with to attain and maintain ambient air quality standards.

SEC. 8. Air Quality Control Action Plan. – Within six months after the formulation of the framework, the Department shall, with public participation, formulate and implement an air quality control action plan consistent with Section 7 of this Act. The action plan shall:

- a) Include enforceable emission limitations and other control measures, means or techniques, as well as schedules and time tables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Act;
- b) Provide for the establishment and operation of appropriate devices, methods, systems and procedures necessary to monitor, compile and analyze data on ambient air quality;
- c) Include a program to provide for the following: (1) enforcement of the measures described in subparagraph [a]; (2) regulation of the modification and construction of any stationary source within the areas covered by the plan, in accordance with land use policy to ensure that ambient air quality standards are achieved;
- d) Contain adequate provisions, consistent with the provisions of this Act, prohibiting any source or other types of emissions activity within the country from emitting any air pollutant in amounts which will significantly contribute to the non-attainment or will interfere with the maintenance by the Department of any such ambient air quality standard required to be included in the implementation plan to prevent significant deterioration of air quality or to protect visibility;
- e) Include control strategies and control measures to be undertaken within a specified time period, including cost effective use of economic incentives, management strategies, collection action and environmental education and information;
- f) Designate airsheds; and
- g) All other measures necessary for the effective control and abatement of air pollution.

The adoption of the plan shall clarify the legal effects on the financial, manpower and budgetary resources of the affected government agencies, and on the alignment of their programs with the plans.

In addition to direct regulations, the plan shall be characterized by a participatory approach to the pollution problem. The involvement of private entities in the monitoring and testing of emissions from mobile and/or stationary sources shall be considered.

Likewise, the LGU's, with the assistance from the Department, shall prepare and develop an action plan consistent with the Integrated Air Quality Improvement Framework to attain and maintain the ambient air quality standards within their respective airsheds as provided in Section 9 hereof.

The local government units shall develop and submit to the Department a procedure for carrying out the action plan for their jurisdiction. The Department, however, shall maintain its authority to independently inspect the enforcement procedure adopted. The Department shall have the power to closely supervise all or parts of the air quality action plan until such time the local government unit concerned can assume the function to enforce the standards set by the Department.

A multi-sectoral monitoring team with broad public representation shall be convened by the Department for each LGU to conduct periodic inspections of air pollution sources to assess compliance with emission limitations contained in their permits.

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SEC. 9. Airsheds. – Pursuant to Section 8 of this Act, the designation of airsheds shall be on the basis of, but not limited to, areas with similar climate, meteorology and topology which affect the interchange and diffusion of pollutants in the atmosphere, or areas which share common interest or face similar development programs, prospects or problems.

For a more effective air quality management, a system of planning and coordination shall be established and a common action plan shall be formulated for each airshed.

To effectively carry out the formulated action plans, a Governing Board is hereby created, hereinafter referred to as the Board.

The Board shall be headed by the Secretary of the Department of Environment and Natural Resources as Chairman. The members shall be as follows:

- a) Provincial Governors from areas belonging to the airshed;
- b) City/Municipal Mayors from areas belonging to the airshed;
- c) A representative from each concerned government agency;
- d) Representatives from people's organizations;
- e) Representatives from non-government organizations; and
- f) Representatives from the private sector.

The Board shall perform the following functions:

- a) Formulation of policies;
- b) Preparation of a common action plan;
- c) Coordination of functions among its members; and
- d) Submission and publication of an annual Air Quality Status Report for each airshed.

Upon consultation with appropriate local government authorities, the Department shall, from time to time, revise the designation of airsheds utilizing eco-profiling techniques and undertaking scientific studies.

Emissions trading may be allowed among pollution sources within an airshed.

SEC. 10. Management of Non-attainment Areas. – The Department shall designate areas where specific pollutants have already exceeded ambient standards as non-attainment areas. The Department shall prepare and implement a program that will prohibit new sources of exceeded air pollutant without a corresponding reduction in existing sources.

In coordination with other appropriate government agencies, the LGUs shall prepare and implement a program and other measures including relocation, whenever necessary, to protect the health and welfare of residents in the area.

For those designated as nonattainment areas, the Department, after consultation with local government authorities, non-government organizations (NGOs), people's organizations (POs) and concerned sectors may revise the designation of such areas and expand its coverage to cover larger areas depending on the condition of the areas.

SEC. 11. Air Quality Control Techniques. – Simultaneous with the issuance of the guideline values and standards, the Department, through the research and development program contained in this Act and upon consultation with appropriate advisory committees, government agencies and LGUs, shall issue, and from time to time, revise information on air pollution control techniques. Such information shall include:

- a) Best available technology and alternative methods of prevention, management and control of air pollution;
- b) Best available technology economically achievable which shall refer to the technological basis/ standards for emission limits applicable to existing, direct industrial emitters of nonconventional and toxic pollutants; and
- c) Alternative fuels, processes and operating methods which will result in the eliminator or significant reduction of emissions.

Such information may also include data relating to the cost of installation and operation, energy requirements, emission reduction benefits, and environmental impact or the emission control technology.

The issuance of air quality guideline values, standards and information on air quality control techniques shall be made available to the general public: *Provided*, That the issuance of information on air quality control techniques shall not be construed as requiring the purchase of certain pollution control devices by the public.

SEC. 12. Ambient Air Quality Guideline Values and Standards. – The Department, in coordination with other concerned agencies, shall review and or revise and publish annually a list of hazardous air pollutants with corresponding ambient guideline values and/or standard necessary to protect health and safety, and general welfare. The initial list and values of the hazardous air pollutants shall be as follows:

- a) For National Ambient Air Quality Guideline for Criteria Pollutants:

Pollutants	Short Term ^a		Averaging	Long Term ^b		Averaging
	µg/Ncm	ppm	Time	µg/Ncm	ppm	Time
Suspended Particulate Matter ^c -TSP	230 ^d		24 hours	90	—	1 year ^e
-PM-10	150 ^f		24 hours	60	—	1 year ^e
Sulfur Dioxide ^c	180	0.07	24 hours	80	0.03	1 year
Nitrogen Dioxide	150	0.08	24 hours	—	—	—
Photochemical Oxidants	140	0.07	1 hour	—	—	—
As Ozone	60	0.03	8 hours	—	—	—
Carbon Monoxide	35 mg/Ncm	30	1 hour	—	—	—
	10 mg/Ncm	9	8 hours	—	—	—
Lead ^g	1.5	—	3 months ^g	1.0	—	1 year

^a Maximum limits represented by 98 percentile values not to be exceed more than once a year.

^b Arithmetic mean

^c SO₂ and Suspended Particulate matter are sampled once every six days when using the manual methods. A minimum of 12 sampling days per quarter of 48 sampling days each year is required for these methods. Daily sampling may be done in the future once continuous analyzers are procured and become available.

^d Limits for Total Suspended Particulate Matter with mass median diameter less than 25-50 µm.

^e Annual Geometric Mean

^f Provisional limits for Suspended Particulate Matter with mass median diameter less than 10 microns and below until sufficient monitoring data are gathered to base a proper guideline.

^g Evaluation of this guideline is carried out for 24-hour averaging time and averaged over three moving calendar months. The monitored average value for any three months shall not exceed the guideline value.

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- b) For National Ambient Air Quality Standards for Source Specific Air Pollutants from Industrial Sources Operations:

Pollutants ¹	Concentration ²		Averaging time (min.)	Method of Analysis/ Measurement ³
	µ/Ncm	ppm		
1. Ammonia	200	0.28	30	Nesslerization/ Indo Phenol
2. Carbon Disulfide	30	0.01	30	Tischer Method
3. Chlorine and Chlorine Compounds expressed as Cl ²	100	0.03	5	Methyl Orange
4. Formaldehyde	50	0.04	30	Chromotropic Acid Method or MBTH Colorimetric Method
5. Hydrogen Chloride	200	0.13	30	Volhard Titration with Iodine Solution
6. Hydrogen Sulfide	100	0.07	30	Methylene Blue
7. Lead	20		30	AAS
8. Nitrogen Dioxide	375	0.20	30	Greiss- Saltzman
	260	0.14	60	
9. Phenol	100	0.03	30	4-Aminoantiphrine
10. Sulfur Dioxide	470	0.18	30	Colorimetric-Pararosaniline
	340	0.13	60	
11. Suspended Particulate Matter- TSP - PM10	300	—	60	Gravimetric -do-
	200	—	60	

¹ Pertinent ambient standards for Antimony, Arsenic, Cadmium, Asbestos, Nitric Acid and Sulfuric Acid Mists in the 1978 NPCC Rules and Regulations may be considered as guides in determining compliance.

² Ninety-eight percentile (98%) values of 30-minute sampling measured at 25°C and one atmosphere pressure.

³ Other equivalent methods approved by the Department may be used.

The basis in setting up the ambient air quality guideline values and standards shall reflect, among others, the latest scientific knowledge including information on:

- Variable factors, including atmospheric conditions, which of themselves or in combination with other factors may alter the effects on public health or welfare of such air pollutant;
- The other types of air pollutants which may interact with such pollutant to produce an adverse effect on public health or welfare; and
- The kind and extent of all identifiable effects on public health or welfare which may be expected from presence of such pollutant in the ambient air, in varying quantities.

The Department shall base such ambient air quality standards on World Health Organization (WHO) standards, but shall not be limited to nor be less stringent than such standards.

SEC. 13. Emission Charge System. – The Department, in case of industrial dischargers, and the Department of Transportation and Communication (DOTC), in case of motor vehicle dischargers, shall, based on environmental techniques, design, impose on and collect regular emission fees from said dischargers as part of the emission permitting system or vehicle registration renewal system, as the case may be. The system shall encourage the industries and motor vehicles to abate, reduce, or prevent pollution. The basis of the fees include, but is not limited to, the volume and toxicity of any emitted pollutant. Industries, which shall install pollution control devices or retrofit their existing facilities with mechanisms that reduce pollution shall be entitled to tax incentives such as but not limited total credits and/or accelerated depreciation deductions.

SEC. 14. Air Quality Management Fund. – An Air Quality Management Fund to be administered by the Department as a special account in the National Treasury is hereby established to finance containment, removal, and clean-up operations of the government in air pollution cases, guarantee restoration of ecosystems and rehabilitate areas affected by the acts of violators of this Act, to support research, enforcement and monitoring activities and capabilities of the relevant agencies, as well as to provide technical assistance to the relevant agencies. Such fund may likewise be allocated per airshed for the undertakings herein stated.

The Fund shall be sourced from the fines imposed and damages awarded to the Republic of the Philippines by the Pollution Adjudication Board (PAB), proceeds of licenses and permits issued by the Department under this Act, emission fees and from donations, endowments and grants in the forms of contributions. Contributions to the Fund shall be exempted from donor taxes and all other taxes, charges or fees imposed by the Government.

SEC. 15. Air Pollution Research and Development Program. – The Department, in coordination with the Department of Science and Technology (DOST), other agencies, the private sector, the academe, NGO's and PO's, shall establish a National Research and Development Program for the prevention and control of air pollution. The Department shall give special emphasis to research on and the development of improved methods having industry-wide application for the prevention and control of air pollution.

Such a research and development program shall develop air quality guideline values and standards in addition to internationally-accepted standards. It shall also consider the sociocultural, political and economic implications of air quality management and pollution control.

ARTICLE TWO

AIR POLLUTION CLEARANCES AND PERMITS FOR STATIONARY SOURCES

SECTION 16. Permits. – Consistent with the provisions of this Act, the Department shall have the authority to issue permits as it may determine necessary for the prevention and abatement of air pollution.

Said permits shall cover emission limitations for the regulated air pollutants to help attain and maintain the ambient air quality standards. These permits shall serve as management tools for the LGUs in the development of their action plan.

SEC. 17. Emission Quotas. – The Department may allow each regional industrial center that is designated as special airshed to allocate emission quotas to pollution sources within its jurisdiction that qualify under an environmental impact assessment system programmatic compliance program pursuant to the implementing rules and regulations of Presidential Decree No. 1586.

SEC. 18. Financial Liability for Environmental Rehabilitation. – As part of the environmental management plan attached to the environmental compliance certificate pursuant to Presidential Decree No. 1586 and rules and regulations set therefor, the Department shall require program and project proponents to put up financial guarantee mechanisms to finance the needs for emergency response, clean-up rehabilitation of areas that may be damaged during the program or project's actual implementation. Liability for damages shall continue even after the termination of a program or project, where such damages are clearly attributable to that program or project and for a definite period to be determined by the Department and incorporated into the environmental compliance certificate.

Financial liability instruments may be in the form of a trust fund, environmental insurance, surety bonds, letters of credit, as well as self-insurance. The choice of the guarantee instruments shall furnish the Department with evidence of availment of such instruments.

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ARTICLE THREE

POLLUTION FROM STATIONARY SOURCES

SECTION 19. Pollution From Stationary Sources. – The Department shall, within two years from the effectivity of this Act, and every two years thereafter, review, or as the need therefor arises, revise and publish emission standards, to further improve the emission standards for stationary sources of air pollution. Such emission standards shall be based on mass rate of emission for all stationary source of air pollution based on internationally accepted standards, but not be limited to, nor be less stringent than such standards and with the standards set forth in this Section. The standards, whichever is applicable, shall be the limit on the acceptable level of pollutants emitted from a stationary source for the protection of the public's health and welfare.

With respect to any trade, industry, process and fuel-burning equipment or industrial plant emitting air pollutants, the concentration at the point of emission shall not exceed the following limits:

Pollutants	Standard Applicable to Source	Maximum Permissible Limits (mg/Mscf)	Method of Analysis ^a
1. Arsenic and its compounds	Any source	10 as Sb	AAS ^b
2. Arsenic and its compounds	Any source	10 as As	AAS ^b
3. Cadmium and its compounds	Any source	10 as Cd	AAS ^b
4. Carbon Monoxide	Any industrial source	500 as CO	Orsat analysis
5. Copper and its Compounds	Any industrial source	100 as Cu	AAS ^b
6. Hydrofluoric Acids and Fluoride compounds	Any source other than the manufacture of Aluminum from Alumina	50 as HF	Filtration with Ammonium Thiocyanate
7. Hydrogen Sulfide	i) Geothermal Power Plants	^c	Cadmium Sulfide Method
	ii) Geothermal Exploration and well-testing	^c	
	iii) Any source other than (i) and (ii)	7 as H ₂ S	Cadmium Sulfide Method
8. Lead	Any trade, industry or process	10 as Pb	AAS ^b
9. Mercury	Any Source	5 as elemental Hg	AAS ^b /Cold Vapor Technique or Hg Analyzer
10. Nickel and its compounds, except Nickel Carbonyl ^c	Any source	20 as Ni	AAS ^b
11. NO _x	i) Manufacture of Nitric Acid	2,000 as acid and NO _x and calculated as NO _x	Phenol-disulfonic acid Method
	ii) Fuel burning steam generators		
	Existing Source	1,500 as NO _x	Phenol-disulfonic acid Method
	New Source:		
	+ Coal-fired	1,000 as NO _x	Phenol-disulfonic acid Method
	+ Oil-fired	500 as NO _x	
iii) Any source other than (i) and (ii)		Phenol-disulfonic acid Method	
Existing Source	1,000 as NO _x		
New Source	500 as NO _x		
12. Phosphorus Peroxide ^d	Any source	200 as P ₂ O ₅	Spectrophotometry
13. Zinc and its Compounds	Any source	100 as Zn	AAS ^b

^a Other equivalent methods approved by the Department may be used.

^b Atomic Absorption Spectrophotometry.

^c All new geothermal power plants starting construction by 01 January 1995 shall control H₂S emissions to not more than 150 g/GMW-Hr

- ^d All existing geothermal power plants shall control H₂S emissions to not more than 200 g/GMW-Hr within 5 years from the date of effectivity of these revised regulations.
- ^e Best practicable control technology for air emissions and liquid discharges. Compliance with air and water quality standards is required.
- ^f Emission limit of Nickel Carbonyl shall not exceed 0.5 mg/Ncm.
- ^g Provisional Guideline.

Provided, That the maximum limits in mg/nm particulates in said sources shall be:

1. Fuel Burning Equipment	
a) Urban or Industrial Area	150 mg/Ncm
b) Other Area	200 mg/Ncm
2. Cement Plants (Kilns, etc.)	
150 mg/Ncm	
3. Smelting Furnaces	
150 mg/Ncm	
4. Other Stationary Sources^a	
200 mg/Ncm	

^a Other Stationary Sources means a trade, process, industrial plant, or fuel burning equipment other than thermal power plants, industrial boilers, cement plants, incinerators and smelting furnaces.

Provided, further, That the maximum limits for sulfur oxides in said sources shall be:

(1) Existing Sources	
(i) Manufacture of Sulfuric Acid and Sulf(on)ation Process	2.0gm.Ncm as SO ₃
(ii) Fuel burning Equipment	1.5gm.Ncm as SO ₂
(iii) Other Stationary Sources ^a	1.0gm.Ncm as SO ₃
(2) New Sources	
(i) Manufacture of Sulfuric Acid and Sulf(on)ation Process	1.5 gm.Ncm as SO ₃
(ii) Fuel Burning Equipment	0.7 gm.Ncm as SO ₂
(iii) Other Stationary Sources ^a	0.2 gm.Ncm as SO ₃

^a Other Stationary Sources refer to existing and new stationary sources other than those caused by the manufacture of sulfuric acid and sulfonation process, fuel burning equipment and incineration.

For stationary sources of pollution not specifically included in the immediately preceding paragraph, the following emission standards shall not be exceeded in the exhaust gas:

I. Daily and Half Hourly Average Values

	Daily Average Values	Half Hourly Average Values
Total dust	10 mg/m ³	30 mg/m ³
Gaseous and vaporous organic substances, expressed as total organic carbon	10 mg/m ³	20 mg/m ³
Hydrogen chloride (HCl)	10 mg/m ³	30 mg/m ³
Hydrogen fluoride (HF)	1 mg/m ³	4 mg/m ³
Sulfur dioxide (SO ₂)	50 mg/m ³	200 mg/m ³
Nitrogen monoxide (NO) and Nitrogen dioxide (NO ₂), expressed as nitrogen dioxide for incineration plants with a capacity exceeding 3 tonnes per hour	200 mg/m ³	600 mg/m ³
Nitrogen monoxide (NO) and nitrogen dioxide (NO ₂), expressed as nitrogen dioxide for incineration plants with a capacity of 3 tonnes per hour or less	300 mg/m ³	
Ammonia	10 mg/m ³	20 mg/m ³

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II. All the Average Values over the Sample Period of a Minimum of Four and Maximum of Eight Hours.

Cadmium and its compounds, expressed as cadmium (Cd)	total 0.05 mg/m ³
Thallium and its compounds, expressed as thallium (Tl)	
Mercury and its Compounds, expressed as mercury (Hg)	0.05 mg/m ³
Antimony and its compounds, expressed as antimony (Sb)	total 0.5 mg/m ³
Arsenic and its compounds, expressed as arsenic (As)	
Lead and its compounds, expressed as lead (Pb)	
Chromium and its compounds, expressed as chromium (Cr)	
Cobalt and its compounds, expressed as cobalt (Co)	
Copper and its compounds, expressed as copper (Cu)	
Manganese and its compounds, expressed as manganese (Mn)	
Nickel and its compounds, expressed as nickel (Ni)	
Vanadium and its compounds, expressed as vanadium (V)	
Tin and its compounds, expressed as tin (Sn)	

These average values cover also gaseous and the vapor forms of the relevant heavy metal emission as well as their compounds: *Provided*, That the emission of dioxins and furans into the air shall be reduced by the most progressive techniques: *Provided, further*, That all average of dioxin and furans measured over the sample period of a minimum of six hours and maximum of eight hours must not exceed the limit value of 0.1 nanogram/m₃.

Pursuant to Section 8 of this Act, the Department shall prepare a detailed action plan setting the emission standards or standards of performance for any stationary source the procedure for testing emissions for each type of pollutant, and the procedure for enforcement of said standards.

Existing industries, which are proven to exceed emission rates established by the Department in consultation with stakeholders, after a thorough, credible and transparent measurement process shall be allowed a grace period of 18 months for the establishment of an environmental management system and the installation of an appropriate air pollution control device : *Provided*, That an extension of not more than 12 months may be allowed by the Department on meritorious grounds.

Sec. 20. Ban on Incineration. – Incineration, hereby defined as the burning of municipal, biomedical and hazardous waste, which process emits poisonous and toxic fumes is hereby prohibited: *Provided, however*, That the prohibition shall not apply to traditional small-scale method of community/ neighborhood sanitation *siga*, traditional, agricultural, cultural, health, and food preparation and crematoria: *Provided, further*, That existing incinerators dealing with a biomedical wastes shall be out within three years after the effectivity of this Act: *Provided, finally*, That in the interim, such units shall be limited to the burning of pathological and infectious wastes, and subject to close monitoring by the Department.

Local government units are hereby mandated to promote, encourage and implement in their respective jurisdiction a comprehensive ecological waste management that includes waste segregation, recycling and composting.

With due concern on the effects of climate change, the Department shall promote the use of state-of-the-art, environmentally-sound and safe non-burn technologies for the handling, treatment, thermal destruction, utilization, and disposal of sorted, unrecycled, uncomposted, biomedical and hazardous wastes.

ARTICLE FOUR

POLLUTION FROM MOTOR VEHICLES

SECTION 21. Pollution from Motor Vehicles. – a) The DOTC shall implement the emission standards for motor vehicles set pursuant to and as provided in this Act. To further improve the emission standards, the Department shall review, revise and publish the standards every two years, or as the need arises. It shall consider the maximum limits for all major pollutants to ensure substantial improvement in air quality for the health, safety and welfare of the general public.

The following emission standards for type approval of motor vehicles shall be effective by the year 2003:

a) For light duty vehicles, the exhaust emission limits for gaseous pollutants shall be:

**Emission Limits for Light Duty Vehicles
Type Approval
(Directive 91/441/EEC)**

CO (g/km)	HC + NO _x (g/km)	PM ^a (g/km)
2.72	0.97	0.14

for compression-ignition engines only

b) For light commercial vehicles, the exhaust emission limit of gaseous pollutants as a function of the given reference mass shall be:

	Reference Weight (RW) (kg)	CO (g/km)	HC + NO _x (g/km)	PM ^a (g/km)
Category 1	≤2500 RW	2.72	0.97	0.14
Category 2	3250 < RW < 4750	5.17	1.4	0.19
Category 3	RW > 4750	6.9	1.7	0.25

^a for compression-ignition engines only

c) For heavy duty vehicles, the exhaust emission limits of gaseous pollutants shall be:

CO (g/k/Wh)	HC (g/k/Wh)	NO _x (g/k/Wh)	PM (g/k/Wh)
4.5	1.1	8.0	0.36 ^a

^a In the case of engines of 85 kW or less, the limit value for particular emissions is increased by multiplying the quoted limit by a coefficient of 1.7

Fuel evaporative emission for spark-ignition engines shall not exceed 2.0 grams hydrocarbons per test. Likewise, it shall not allow any emission of gases from crankcase ventilation system into the atmosphere.

b) The Department, in collaboration with the DOTC, DTI and LGUs, shall develop an action plan for the control and management of air pollution from motor vehicles consistent with the Integrated Air Quality Framework. The DOTC shall enforce compliance with the emission standards for motor vehicles set by the Department. The DOTC may deputize other law enforcement agencies and LGUs for this purpose. To this end, the DOTC shall have the power to:

- [1] Inspect and monitor the emissions of motor vehicles;
- [2] Prohibit or enjoin the use of motor vehicles or a class of motor vehicles in any area or street at specified times; and
- [3] Authorize private testing emission testing centers duly accredited by the DTI.

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- c) The DOTC, together with the DTI and the Department, shall establish the procedures for the inspection of motor vehicles and the testing of their emissions for the purpose of determining the concentration and/or rate of pollutants discharged by said sources.
- d) In order to ensure the substantial reduction of emissions from motor vehicles, the Department of Trade and Industry (DTI), together with the DOTC and the Department, shall formulate and implement a national motor vehicle inspection and maintenance program that will promote efficient and safe operation of all motor vehicles. In this regard, the DTI shall develop and implement standards and procedures for the certification of training institutions, instructors and facilities and the licensing of qualified private service centers and their technicians as prerequisite for performing the testing, servicing, repair and the required adjustment to the vehicle emission system. The DTI shall likewise prescribe regulations requiring the disclosure of odometer readings and the use of tamper-resistant odometers for all motor vehicles including tamper-resistant fuel management systems for the effective implementation of the inspection and maintenance program.

SEC. 22. Regulation of All Motor Vehicles and Engines. – Any imported new or locally-assembled new motor vehicle shall not be registered unless it complies with the emission standards set pursuant to this Act, as evidenced by a Certificate of Conformity (COC) issued by the Department.

Any imported new motor vehicle engine shall not be introduced into commerce, sold or used unless it complies with emission standards set pursuant to this Act.

Any imported used motor vehicle or rebuilt motor vehicle using new or used engines, major parts or components shall not be registered unless it complies with the emission standards.

In case of noncompliance, the importer or consignee may be allowed to modify or rebuild the vehicle or engine so it will be in compliance with applicable emission standards.

No motor vehicle registration (MVR) shall be issued unless such motor vehicle passes the emission testing requirement promulgated in accordance with this Act. Such testing shall be conducted by the DOTC or its authorized inspection centers within 60 days prior to date of registration.

The DTI shall promulgate the necessary regulations prescribing the useful life of vehicles and engines including devices in order to ensure that such vehicles will conform to the emissions which they were certified to meet. These regulations shall include provisions for ensuring the durability of emission devices.

SEC. 23. Second-Hand Motor Vehicle Engines. – Any imported second-hand motor vehicle engine shall not be introduced into commerce, sold or used unless it complies with emission standards set pursuant to this Act.

ARTICLE FIVE

POLLUTION FROM OTHER SOURCES

SECTION 24. Pollution from smoking. – Smoking inside a public building or an enclosed public place including public vehicles and other means of transport or in any enclosed area outside of one's private residence, private place of work or any duly designated smoking area is hereby prohibited under this Act. This provision shall be implemented by the LGUs.

SEC. 25. Pollution from other mobile sources. – The Department, in coordination with appropriate agencies, shall formulate and establish the necessary standards for all mobile sources other than those referred to in Section 21 of this Act. The imposition of the appropriate fines and penalties from these sources for any violation of emission standards shall be under the jurisdiction of the DOTC.

CHAPTER 3

FUELS, ADDITIVES, SUBSTANCES AND POLLUTANTS

ARTICLE ONE

FUELS, ADDITIVES AND SUBSTANCES

SECTION 26. Fuels and Additives. – Pursuant to the Air Quality Framework to be established under Section 7 of this Act, the Department of Energy (DOE), co chaired by the Department of Environment and Natural Resources (DENR), in consultation with the Bureau of Product Standards (BPS) of the DTI, the DOST, the representatives of the fuel and automotive industries, academe and the consumers shall set the specifications for all types of fuel and fuel-related products, to improve fuel composition for increased efficiency and reduced emissions: *Provided*, however, that the specifications for all types of fuel and fuel-related products set-forth pursuant to this section shall be adopted by the BPS as Philippine National Standards (PNS).

The DOE shall also specify the allowable content of additives in all types of fuels and fuel-related products. Such standards shall be based primarily on threshold levels of health and research studies. On the basis of such specifications, the DOE shall likewise limit the content or begin that phase-out of additives in all types of fuels and fuel-related products as it may deem necessary. Other agencies involved in the performance of this function shall be required to coordinate with the DOE and transfer all documents and information necessary for the implementation of this provision.

Consistent with the provisions of the preceding paragraphs under this Section, it is declared that:

- a) not later than 18 months after the effectivity of this Act, no person shall manufacture, import, sell, supply, offer for sale, dispense, transport or introduce into commerce unleaded premium gasoline fuel which has an anti-knock index (AKI) of not less than 87.5 and Reid vapor pressure of not more than 9 psi. Within six months after the effectivity of this Act, unleaded gasoline fuel shall contain aromatics not to exceed 45 percent by volume and benzene not to exceed 4 percent by volume; *Provided*, that by year 2003, unleaded gasoline fuel should contain aromatics not to exceed 35 percent by volume and benzene not to exceed 2 percent by volume;
- b) not later than 18 months after the effectivity of this Act, no person shall manufacture, import, sell, supply, offer for sale, dispense, transport or introduce into commerce automotive diesel fuel which contains a concentration of sulfur in excess of 0.20 percent by weight with a cetane number of index of not less than 48: *Provided*, That by year 2004, content of said sulfur shall be 0.05 percent by weight; and
- c) not later than 18 months after the effectivity of this Act, no Person shall manufacture, import, sell, supply, offer for sale, dispense, transport or introduce into commerce industrial diesel fuel which contains a concentration of sulfur in excess of 0.30 percent (by weight).

Every two years thereafter or as the need arises, the specifications of unleaded gasoline and of automotive and industrial diesel fuels shall be reviewed and revised for further improvement in formulation and in accordance with the provisions of this Act.

The fuels characterized above shall be commercially available. Likewise, the same shall be the reference fuels for emission and testing procedures to be established in accordance with the provisions of this Act.

Any proposed additive shall not in any way increase emissions of any of the regulated gases which shall include, but not limited to carbon monoxide, hydrocarbons, and oxides of nitrogen and particulate matter, in order to be approved and certified by the Department.

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SEC. 27. Regulation of Fuels and Fuel Additives. – The DOE, in coordination with the Department and the BPS, shall regulate the use of any fuel or fuel additive. No manufacturer, processor or trader of any fuel or additive may import, sell, offer for sale, or introduce into commerce such fuel or additive unless the same has been registered with the DOE. Prior to registration, the manufacturer, processor or trader shall provide the DOE with the following relevant information:

- a) Product identity and composition to determine the potential health effects of such fuel additives;
- b) Description of the analytical technique that can be used to detect and measure the additive in any fuel;
- c) Recommended range of concentration; and
- d) Purpose in the use of the fuel and additive.

SEC. 28. Misfueling. – In order to prevent the disabling of any emission control device by lead contamination, no person shall introduce or cause or allow the introduction of leaded gasoline into any motor vehicle equipped with a gasoline tank filler inlet and labeled *unleaded gasoline only*. This prohibition shall also apply to any person who knows or should know that such vehicle is designed solely for the use of unleaded gasoline.

SEC. 29. Prohibition on Manufacture, Import and Sale of leaded Gasoline and of Engines and/or Components Requiring Leaded Gasoline. – Effective not later than 18 months after the enactment of this Act, no person shall manufacture, import, sell, offer for sale, introduce into commerce, convey or otherwise dispose of, in any manner, leaded gasoline and engines and components requiring the use of leaded gasoline.

For existing vehicles, the DTI shall formulate standards and procedures that will allow non-conforming engines to comply with the use of unleaded fuel within five years after the effectivity of this Act.

ARTICLE TWO

OTHER POLLUTANTS

SECTION 30. Ozone-Depleting Substances. – Consistent with the terms and conditions of the Montreal Protocol on Substances that Deplete the Ozone Layer and other international agreements and protocols to which the Philippines is a signatory, the Department shall phase out ozone-depleting substances.

Within 60 days after the enactment of this Act, the Department shall publish a list of substances which are known to cause harmful effects on the stratospheric ozone layer.

SEC. 31. Greenhouse Gases. – The Philippine Atmospheric, Geophysical and Astronomical Service Administration (PAGASA) shall regularly monitor meteorological factors affecting environmental conditions including ozone depletion and greenhouse gases and coordinate with the Department in order to effectively guide air pollution monitoring and standard-setting activities.

The Department, together with concerned agencies and local government units, shall prepare and fully implement a national plan consistent with the United Nations Framework Convention on Climate Change and other international agreements, conventions and protocols on the reduction of greenhouse gas emissions in the country.

SEC. 32. Persistent Organic Pollutants. – The Department shall, within a period of two years after the enactment of this Act, establish an inventory list of all sources of Persistent Organic Pollutants (POPs) in the country. The Department shall develop short-term and long-term national government programs

on the reduction and elimination of POPs such as dioxins and furans. Such programs shall be formulated within a year after the establishment of the inventory list.

SEC. 33. *Radioactive Emissions.* – All projects which will involve the use of atomic and/or nuclear energy, and will entail release and emission of radioactive substances into the environment, incident to the establishment or possession of nuclear energy facilities and radioactive materials, handling, transport, production, storage, and use of radioactive materials, shall be regulated in the interest of public health and welfare by the Philippine Nuclear Research Institute (PNRI), in coordination with Department and other appropriate government agencies.

CHAPTER 4

INSTITUTIONAL MECHANISM

SEC. 34. *Lead Agency.* – The Department, unless otherwise provided herein, shall be the primary government agency responsible for the implementation and enforcement of this Act. To be more effective in this regard, The Department’s Environmental Management Bureau (EMB) shall be converted from a staff bureau to a line bureau for a period of no more than two years, unless a separate, comprehensive environmental management agency is created.

SEC. 35. *Linkage Mechanism.* – The Department shall consult, participate, cooperate and enter into agreement with other government agencies, or with affected non-governmental (NGOs) or people’s organizations (POs), or private enterprises in the furtherance of the objectives of this Act.

SEC. 36. *Role of Local Government Units.* – Local Government Units (LGUs) shall share the responsibility in the management and maintenance of air quality within their territorial jurisdiction. Consistent with Sections 7, 8 and 9 of this Act, LGUs shall implement air quality standards set by the Board in areas within their jurisdiction: *Provided, however,* That in case where the Board has not been duly constituted and has not promulgated its standards, the standards set forth in this Act shall apply.

The Department shall provide the LGUs with technical assistance, trainings and a continuing capability-building program to prepare them to undertake full administration of the air quality management and regulation within their territorial jurisdiction.

SEC. 37. *Environmental and Natural Resources Office.* – There may be established an Environment and Natural Resources Office in every province, city, or municipality which shall be headed by the environment and natural resources officer and shall be appointed by the Chief Executive of every province, city or municipality in accordance with the provisions of Section 484 of Republic Act No. 7160. Its powers and duties, among others, are:

- a) To prepare comprehensive air quality management programs, plans and strategies within the limits set forth in Republic Act No. 7160 and this Act which shall be implemented within its territorial jurisdiction upon the approval of the *sanggunian*;
- b) To provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to air quality;
- c) To take the lead in all efforts concerning air quality protection and rehabilitation;
- d) To recommend to the Board air quality standards which shall not exceed the maximum permissible standards set by rational laws;
- e) To coordinate with other government agencies and non-governmental organizations in the implementation of measures to prevent and control air pollution; and

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- f) Exercise such other powers and perform such duties and functions as may be prescribed by law or ordinance: *Provided, however,* That in provinces/cities/municipalities where there are no environment and natural resources officers, the local executive concerned may designate any of his official and/or chief of office preferably the provincial, city or municipal agriculturist, or any of his employee: *Provided, finally,* That in case an employee is designated as such, he must have sufficient experience in environmental and natural resources management, conservation and utilization.

Sec. 38. Record-keeping, Inspection, Monitoring and Entry by the Department. – The Department or its duly accredited entity shall, after proper consultation and notice, require any person who owns or operates any emissions source or who is subject to any requirement of this Act to:

- (a) establish and maintain relevant records;
- (b) make relevant reports;
- (c) install, use and maintain monitoring equipment or methods;
- (d) sample emission, in accordance with the methods, locations, intervals and manner prescribed by the Department;
- (e) keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical; and
- (f) provide such other information as the Department may reasonably require.

Pursuant to this Act, the Department, through its authorized representatives, shall have the right of:

- (a) entry or access to any premises including documents and relevant materials as referred to in the herein preceding paragraph;
- (b) inspect any pollution or waste source, control device, monitoring equipment or method required; and
- (c) test any emission.

Any record, report or information obtained under this Section shall be made available to the public, except upon a satisfactory showing to the Department by the entity concerned that the record, report or information, or parts thereof, if made public, would divulge secret methods or processes entitled to protection as intellectual property. Such record, report or information shall likewise be incorporated in the Department's industrial rating system.

Sec. 39. Public Education and Information Campaign. – A continuing air quality information and education campaign shall be promoted by the Department, the Department of Education, Culture and Sports (DECS), the Department of the Interior and Local Government (DILG), the Department of Agriculture (DA) and the Philippine Information Agency (PIA). Consistent with Section 7 of this Act, such campaign shall encourage the participation of other government agencies and the private sector including NGOs, POs, the academe, environmental groups and other private entities in a multi-sectoral information campaign.

CHAPTER 5

ACTIONS

SECTION 40. Administrative Action. – Without prejudice to the right of any affected person to file an administrative action, the Department shall, on its own instance or upon verified complaint by any person, institute administrative proceedings against any person who violates:

- (a) Standards or limitation provided under this Act; or
- (b) Any order, rule or regulation issued by the Department with respect to such standard or limitation.

SEC. 41. Citizen Suits. – For purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts against:

- (a) Any person who violates or fails to comply with the provisions of this Act or its implementing rules and regulations; or
- (b) The Department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and/or
- (c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duty; or, in any manner, improperly performs his duties under this Act or its implementing rules and regulations: *Provided, however,* That no suit can be filed until 30-day notice given to the public officer and alleged violator concerned and no appropriate action has been taken thereon.

The court shall exempt such action from the payment of filing fees, except fees for actions not capable of pecuniary estimations, and shall likewise, upon *prima facie* showing of the nonenforcement or violation complained of, exempt the plaintiff from the filing of an injunction bond for the issuance of a preliminary injunction.

Within 30 days, the court shall make a determination if the compliant herein is malicious and/or baseless and shall accordingly dismiss the action and award attorney’s fees and damages.

SEC. 42. Independence of Action. – The filing of an administrative suit against such person/entity does not preclude the right of any other person to file any criminal or civil action. Such civil action shall proceed independently.

SEC. 43. Suits and Strategic Legal Actions Against Public Participation and the Enforcement of This Act. – Where a suit is brought against a person who filed an action as provided in Section 41 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a determination not exceeding 30 days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the court shall dismiss the case and award attorney’s fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, their being no grave abuse of authority, and done in the course of enforcing this Act.

SEC. 44. Lien Upon Personal and Immovable Properties of Violators. – Fines and penalties imposed pursuant to this Act shall be liens upon personal or immovable properties of the violator. Such lien shall, in case of insolvency of the respondent violator, enjoy preference to laborer’s wages under Articles 2241 and 2242 of Republic Act No. 386, otherwise known as the New Civil Code of the Philippines.

CHAPTER 6

FINES AND PENALTIES

SECTION 45. Violation of Standards for Stationary Sources. – For actual exceedance of any pollution or air quality standards under this Act or its rules and regulations, the Department, through the Pollution

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Adjudication Board (PAB), shall impose a fine of not more than One Hundred Thousand Pesos (P100,000) for every day of violation against the owner or operator of a stationary source until such time that the standards have been complied with.

For purposes of the application of the fines, the PAB shall prepare a fine rating system to adjust the maximum fine based on the violator's ability to pay, degree of willfulness, degree of negligence, history of noncompliance and degree of recalcitrance: *Provided*, That in case of negligence, the first time offender's ability to pay may likewise be considered by the Pollution Adjudication Board: *Provided, further*, That in the absence of any extenuating or aggravating circumstances, the amount of fine for negligence shall be equivalent to one-half of the fine for willful violation.

The fines herein prescribed shall be increased by at least 10 percent, every three years to compensate for inflation and to maintain the deterrent function of such fines.

In addition to the fines, the PAB shall order closure, suspension of development, construction, or operations of the stationary sources until such time that proper environmental safeguards are put in place: *Provided*, That an establishment liable for a third offense shall suffer permanent closure immediately. This paragraph shall be without prejudice to the immediate issuance of an *ex parte* order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case upon *prima facie* evidence that there is imminent threat to life, public health, safety or general welfare, or to plant or animal life, or whenever there is an exceedance of the emission standards set by the Department and/or the Board and/or the appropriate LGU.

SEC. 46. Violation of Standards for Motor Vehicles. – No motor vehicle shall be registered with the DOTC unless it meets the emission standards set by the Department as provided in Section 21 hereof.

Any vehicle suspected of violation of emission standards through visual signs, such as, but not limited to smoke-belching, shall be subjected to an emission test by a duly authorized emission testing center. For this purpose, the DOTC or its authorized testing center shall establish a roadside inspection system. Should it be shown that there was no violation of emission standards, the vehicle shall be immediately released. Otherwise, a testing result indicating an exceedance of the emission standards would warrant the continuing custody of the impounded vehicle unless the appropriate penalties are fully paid, and the license plate is surrendered to the DOTC pending the fulfillment of the undertaking by the owner/operator of the motor vehicle to make the necessary repairs so as to comply with the standards. A pass shall herein be issued by the DOTC to authorize the use of the motor vehicle within a specified period that shall not exceed seven days for the sole purpose of making the necessary repairs on the said vehicle. The owner/operator of the vehicle shall be required to correct its defects and show proof of compliance to the appropriate pollution control office before the vehicle can be allowed to be driven on any public or subdivision roads.

In addition, the driver and operator of the apprehended vehicle shall undergo a seminar on pollution control management conducted by the DOTC and shall also suffer the following penalties:

- a) First Offense – a fine not to exceed Two Thousand Pesos (P2,000);
- b) Second Offense – a fine not less than Two Thousand Pesos (P2,000) and not to exceed Four Thousand Pesos (P4,000); and
- c) Third offense – one year suspension of the Motor Vehicle Registration (MVR) and a fine of not less than Four Thousand Pesos (P4,000) and not more than Six Thousand Pesos (P6,000).

Any violation of the provisions of Section 21 paragraph (d) with regard to national inspection and maintenance program, including technicians and facility compliance shall penalized with a fine of not less than Thirty Thousand Pesos (P30,000) or cancellation of license of both the technician and the center, or both, as determined by the DTI.

All law enforcement officials and deputized agents accredited to conduct vehicle emissions testing and apprehensions shall undergo a mandatory training on emission standards and regulations. For this purpose, the Department, together with the DOTC, DTI, DOST, Philippine National Police (PNP) and other concerned agencies and private entities shall design a training program.

SEC. 47. Fines and Penalties for Violations of Other Provisions in the Act. – For violations of all other provisions provided in this Act and of the rules and regulations thereof, a fine of not less than Ten Thousand Pesos (P10,000) but not more than One Hundred Thousand Pesos (P100,000) or six months to six years imprisonment or both shall be imposed. If the offender is a juridical person, the president, manager, directors, trustees, the pollution control officer or the officials directly in charge of the operations shall suffer the penalty herein provided.

SEC. 48. Gross Violations. – In case of gross violation of this Act or its implementing rules and regulations, the PAB shall recommend to the proper government agencies to file the appropriate criminal charges against the violators. The PAB shall assist the public prosecutor in the litigation of the case. Gross violation shall mean:

- [a] three or more specific offenses within a period of one year;
- [b] three or more specific offenses with three consecutive years;
- [c] blatant disregard of the orders of the PAB, such as but not limited to the breaking of seal, padlocks and other similar devices, or operation despite the existence of an order for closure, discontinuance or cessation of operation; and
- [d] irreparable or grave damage to the environment as a consequence of any violation of the provisions of this Act.

Offenders shall be punished with imprisonment of not less than six years but not more than 10 years at the discretion of the court. If the offender is a juridical person, the president, manager, directors, trustees, the pollution control officer or the officials directly in charge of the operations shall suffer the penalty herein provided.

CHAPTER 7

FINAL PROVISIONS

SECTION 49. Potential Loss or Shifts of Employment. – The Secretary of Labor is hereby authorized to establish a compensation, retraining and relocation program to assist workers laid off due to a company's compliance with the provisions of this Act.

SEC. 50. Appropriations. – An amount of Seven Hundred Fifty Million Pesos (P750 million) shall be appropriated for the initial implementation of this Act, of which, the amount of Three Hundred Million Pesos (P300 million) shall be appropriated to the Department; Two Hundred Million Pesos (P200 million) to the DTI; One Hundred Fifty Million Pesos (P150 million) to the DOTC; and One Hundred Million Pesos (P100 million) to the DOE.

Thereafter, the amount necessary to effectively carry out the provisions of this Act shall be included in the General Appropriations Act.

SEC. 51. Implementing Rules and Regulations. – The Department, in coordination with the Committees on Environment and Ecology of the Senate and House of Representatives, respectively and other agencies, shall promulgate the implementing rules and regulations for this Act, within one year after the enactment of this Act: *Provided*, That rules and regulations issued by other government agencies

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and instrumentalities for the prevention and/or abatement of pollution not inconsistent with this Act shall supplement the rules and regulations issued by the Department pursuant to the provisions of this Act.

The draft of the implementing rules and regulations shall be published and be the subject of public consultations with affected sectors.

There shall be a mandatory review of the implementing rules and regulations and standards set pursuant to the provisions of this Act.

SEC. 52. Report to Congress. – The Department shall report to Congress, not later than March 30 of every year following the approval of this Act, the progress of the pollution control efforts and make the necessary recommendations in areas where there is need for legislative action.

SEC. 53. Joint Congressional Oversight Committee. – There is hereby created a joint congressional oversight committee to monitor the implementation of this Act. The committee shall be composed of five senators and five representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The oversight committee shall be co chaired by a senator and a representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

The mandate given to the joint congressional oversight committee under this Act shall be without prejudice to the performance of the duties and functions by the respective existing oversight committees of the Senate and the House of Representatives.

SEC. 54. Separability of Provisions. – If any provision of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Act or the application of such provision to other person or circumstances shall not be affected by such declaration.

SEC. 55. Repealing Clause. – Presidential Decree No. 1181 is hereby repealed. Presidential Decrees Nos. 1152, 1586 and Presidential Decree No. 984 are partly modified. All other laws, orders, issuance, rules and regulations inconsistent herewith are hereby repealed or modified accordingly.

SEC. 56. Effectivity. – This Act shall take effect 15 days from the date of its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved: June 23, 1999.

REPUBLIC ACT No. 9003
AN ACT PROVIDING FOR AN ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM,
CREATING THE NECESSARY INSTITUTIONAL MECHANISMS AND INCENTIVES, DECLARING CERTAIN
ACTS PROHIBITED AND PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

CHAPTER I

BASIC POLICIES

ARTICLE 1

GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “*Ecological Solid Waste Management Act of 2000.*”

SEC. 2. *Declaration of Policies.* – It is hereby declared the policy of the State to adopt a systematic, comprehensive and ecological solid waste management program which shall:

- a. Ensure the protection of the public health and environment;
- b. Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resource conservation and recovery;
- c. Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including composting, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally sound solid waste management facilities in accordance with ecologically sustainable development principles;
- d. Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management excluding incineration;
- e. Promote national research and development programs for improved solid waste management and resource conservation techniques, more effective institutional arrangement and indigenous and improved methods of waste reduction, collection, separation and recovery;
- f. Encourage greater private sector participation in solid waste management;
- g. Retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, other local government units, non- government organizations, and the private sector;
- h. Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;
- i. Institutionalize public participation in the development and implementation of national and local integrated, comprehensive, and ecological waste management programs; and
- j. Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry.

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ARTICLE 2

DEFINITION OF TERMS

SECTION 3. *Definition of Terms.* – For the purposes of this Act:

- a. Agricultural waste shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields;
- b. Bulky wastes shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcases, filing cabinets, and other similar items;
- c. Bureau shall refer to the Environmental Management Bureau;
- d. Buy-back center shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials;
- e. Collection shall refer to the act of removing solid waste from the source or from a communal storage point;
- f. Composting shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product;
- g. Consumer electronics shall refer to special wastes that include worn-out, broken, and other discarded items such as radios, stereos, and TV sets;
- h. Controlled dump shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation;
- i. Department shall refer to the Department of Environment and Natural Resources;
- j. Disposal shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land;
- k. Disposal site shall refer to a site where solid waste is finally discharged and deposited;
- l. Ecological solid waste management shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment;
- m. Environmentally acceptable shall refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment;
- n. Generation shall refer to the act or process of producing solid waste;
- o. Generator shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling;
- p. Hazardous waste shall refer to solid waste or combination of solid waste which because of its quantity, concentration or physical, chemical or infectious characteristics may:
 - 1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
 - 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed;

- q. Leachate shall refer to the liquid produced when waste undergo decomposition, and when water percolate through solid waste undergoing decomposition. It is contaminated liquid that contains dissolved and suspended materials;
- r. Materials recovery facility – includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility;
- s. Municipal waste shall refer to wastes produced from activities within local government units which include a combination of domestic, commercial, institutional and industrial wastes and street litters;
- t. Open dump shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards;
- u. Opportunity to recycle shall refer to the act of providing a place for collecting source-separated recyclable material, located either at a disposal site or at another location more convenient to the population being served, and collection, at least once a month, of source-separated recyclable material from collection service customers and to providing a public education and promotion program that gives notice to each person of the opportunity to recycle and encourage source separation of recyclable material;
- v. Person(s) shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations;
- w. Post-consumer material shall refer only to those materials or products generated by a business or consumer which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacturing of a recycled product, excluding materials and by-products generated from, and commonly used within an original manufacturing process, such as mill scrap;
- x. Receptacles shall refer to individual containers used for the source separation and the collection of recyclable materials;
- y. Recovered material shall refer to material and by-products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture of a recycled product;
- z. Recyclable material shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to, newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans and other materials as may be determined by the Commission;
- aa. Recycled material shall refer to post-consumer material that has been recycled and returned to the economy;
- bb. Recycling shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which maybe used as raw materials for the production of other goods or services: *Provided*, That the collection, segregation and re-use of previously used packaging material shall be deemed recycling under this Act;
- cc. Resource conservation shall refer to the reduction of the amount of solid waste that are generated or the reduction of overall resource consumption, and utilization of recovered resources;

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- dd. Resource recovery shall refer to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use: *Provided*, That such resource recovery facilities exclude incineration;
- ee. Re-use shall refer to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics;
- ff. Sanitary landfill shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility;
- gg. Schedule of Compliance shall refer to an enforceable sequence of actions or operations to be accomplished within a stipulated time frame leading to compliance with a limitation, prohibition or standard set forth in this Act or any rule or regulation issued pursuant thereto;
- hh. Secretary shall refer to the Secretary of the Department of Environment and Natural Resources;
- ii. Segregation shall refer to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;
- jj. Segregation at source shall refer to a solid waste management practice of separating, at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;
- kk. Solid waste shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste.

Unless specifically noted otherwise, the term “solid waste” as used in this Act shall not include:

- 1) Waste identified or listed as hazardous waste of a solid, liquid, contained gaseous or semi-solid form which may cause or contribute to an increase in mortality or in serious or incapacitating reversible illness, or acute/chronic effect on the health of persons and other organisms;
 - 2) Infectious waste from hospitals such as equipment, instruments, utensils, and fomites of a disposable nature from patients who are suspected to have or have been diagnosed as having communicable diseases and must therefore be isolated as required by public health agencies, laboratory wastes such as pathological specimens (i.e., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites that may harbor or transmit pathogenic organisms, and surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms; and
 - 3) Waste resulting from mining activities, including contaminated soil and debris.
- ll. Solid waste management shall refer to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to public attitudes;
 - mm. Solid waste management facility shall refer to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste;

- nn. Source reduction shall refer to the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions;
- oo. Source separation shall refer to the sorting of solid waste into some or all of its component parts at the point of generation;
- pp. Special wastes shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes;
- qq. Storage shall refer to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal;
- rr. Transfer stations shall refer to those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. This term does not include any of the following:
 - 1) a facility whose principal function is to receive, store, separate, convert or otherwise process in accordance with national minimum standards, manure;
 - 2) a facility whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for re-use and are not intended for disposal, and
 - 3) the operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business.
- ss. Waste diversion shall refer to activities which reduce or eliminate the amount of solid waste from waste disposal facilities;
- tt. White goods shall refer to large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwashers, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of specific materials (e.g., copper, aluminum, etc.); and
- uu. Yard waste shall refer to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetable residue that is recognized as part of a plant or vegetable and other materials identified by the Commission.

CHAPTER II

INSTITUTIONAL MECHANISM

SECTION 4. National Solid Waste Management Commission. – There is hereby established a National Solid Waste Management Commission, hereinafter referred to as the Commission, under the Office of the President. The Commission shall be composed of 14 members from the government sector and three members from the private sector. The government sector shall be represented by the heads of the following agencies in their *ex officio* capacity:

- 1. Department of Environment and Natural Resources (DENR);
- 2. Department of the Interior and Local Government (DILG);

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3. Department of Science and Technology (DOST);
4. Department of Public Works and Highways (DPWH);
5. Department of Health (DOH);
6. Department of Trade and Industry (DTI);
7. Department of Agriculture (DA);
8. Metro Manila Development Authority (MMDA);
9. League of provincial governors;
10. League of city mayors;
11. League of municipal mayors;
12. Association of barangay councils;
13. Technical Education and Skills Development Authority (TESDA); and
14. Philippine Information Agency.

The private sector shall be represented by the following:

- a. A representative from non-government organizations (NGOs) whose principal purpose is to promote recycling and the protection of air and water quality;
- b. A representative from the recycling industry; and
- c. A representative from the manufacturing or packaging industry;

The Commission may, from time to time, call on any other concerned agencies or sectors as it may deem necessary.

Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be nominated through a process designed by themselves and shall be appointed by the President for a term of three years.

Provided, further, That the Secretaries of the member agencies of the Commission shall formulate action plans for their respective agencies to complement the National Solid Waste Management Framework.

The Department Secretary and a private sector representative of the Commission shall serve as Chairman and Vice Chairman, respectively. The private sector representatives of the Commission shall be appointed on the basis of their integrity, high degree of professionalism and having distinguished themselves in environmental and resource management. The members of the Commission shall serve and continue to hold office until their successors shall have been appointed and qualified. Should a member of the Commission fail to complete his/her term, the successor shall be appointed by the President of the Philippines but only for the unexpired portion of the term. Finally, the members shall be entitled to reasonable traveling expenses and honoraria.

The Department, through the Environmental Management Bureau, shall provide secretariat support to the Commission. The Secretariat shall be headed by an Executive Director who shall be nominated by the members of the Commission and appointed by the Chairman.

Sec. 5. Powers and Functions of the Commission. – The Commission shall oversee the implementation of solid waste management plans and prescribe policies to achieve the objectives of this Act. The Commission shall undertake the following activities:

- a. Prepare the national solid waste management framework;
- b. Approve local solid waste management plans in accordance with its rules and regulations;
- c. Review and monitor the implementation of local solid waste management plans;
- d. Coordinate the operation of local solid waste management boards in the provincial and city/municipal levels;
- e. To the maximum extent feasible, utilizing existing resources, assist provincial, city and municipal solid waste management boards in the preparation, modification, and implementation of waste management plans;
- f. Develop a model provincial, city and municipal solid waste management plan that will establish prototypes of the content and format which provinces, cities and municipalities may use in meeting the requirements of the National Solid Waste Management Framework;
- g. Adopt a program to provide technical and other capability building assistance and support to local government units in the development and implementation of source reduction programs;
- h. Develop and implement a program to assist local government units in the identification of markets for materials that are diverted from disposal facilities through re-use, recycling, and composting, and other environment-friendly methods;
- i. Develop a mechanism for the imposition of sanctions for the violation of environmental rules and regulations;
- j. Manage the Solid Waste Management Fund;
- k. Develop and prescribe procedures for the issuance of appropriate permits and clearances;
- l. Review the incentives scheme for effective solid waste management, for purposes of ensuring relevance and efficiency in achieving the objectives of this Act;
- m. Formulate the necessary education promotion and information campaign strategies;
- n. Establish, after notice and hearing of the parties concerned, standards, criteria, guidelines, and formula that are fair, equitable and reasonable, in establishing tipping charges and rates that the proponent will charge in the operation and management of solid waste management facilities and technologies;
- o. Develop safety nets and alternative livelihood programs for small recyclers and other sectors that will be affected as a result of the construction and/or operation of a solid waste management recycling plant or facility;
- p. Formulate and update a list of non-environmentally acceptable materials in accordance with the provisions of this Act. For this purpose, it shall be necessary that proper consultation be conducted by the Commission with all concerned industries to ensure a list that is based on technological and economic viability;
- q. Encourage private sector initiatives, community participation and investments resource recovery-based livelihood programs for local communities;
- r. Encourage all local government agencies and all local government units to patronize products manufactured using recycled and recyclable materials;
- s. Propose and adopt regulations requiring the source separation and post separation collection, segregated collection, processing, marketing and sale of organic and designated recyclable material generated in each local government unit; and

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- t. Study and review of the following:
 - i) Standards, criteria and guidelines for the promulgation and implementation of an integrated national solid waste management framework; and
 - ii) Criteria and guidelines for siting, design, operation and maintenance of solid waste management facilities.

SEC. 6. Meetings. – The Commission shall meet at least once a month. The presence of at least a majority of the members shall constitute a quorum. The Chairman, or in his absence the Vice Chairman, shall be the presiding officer. In the absence of the heads of the agencies mentioned in Section 4 of this Act, they may designate permanent representatives to attend the meetings.

SEC. 7. The National Ecology Center. – There shall be established a National Ecology Center under the Commission which shall provide consulting, information, training, and networking services for the implementation of the provisions of this Act.

In this regard, it shall perform the following functions:

- a. Facilitate training and education in integrated ecological solid waste management;
- b. Establish and manage a solid waste management information database, in coordination with the DTI and other concerned agencies:
 - 1) on solid waste generation and management techniques as well as the management, technical and operational approaches to resource recovery; and
 - 2) of processors/recyclers, the list of materials being recycled or bought by them and their respective prices;
- c. Promote the development of a recycling market through the establishment of a national recycling network that will enhance the opportunity to recycle;
- d. Provide or facilitate expert assistance in pilot modeling of solid waste management facilities; and
- e. Develop, test, and disseminate model waste minimization and reduction auditing procedures for evaluating options.

The National Ecology Center shall be headed by the Director of the Bureau in his *ex officio* capacity. It shall maintain a multi-sectoral, multi-disciplinary pool of experts including those from the academe, inventors, practicing professionals, business and industry, youth, women and other concerned sectors, who shall be screened according to qualifications set by the Commission.

SEC. 8. Role of the Department. – For the furtherance of the objectives of this Act, the Department shall have the following functions:

- a. Chair the Commission created pursuant to this Act;
- b. Prepare an annual National Solid Waste Management Status Report;
- c. Prepare and distribute information, education and communication materials on solid waste management;
- d. Establish methods and other parameters for the measurement of waste reduction, collection and disposal;
- e. Provide technical and other capability building assistance and support to the LGUs in the development and implementation of local solid waste management plans and programs;

- f. Recommend policies to eliminate barriers to waste reduction programs;
- g. Exercise visitorial and enforcement powers to ensure strict compliance with this Act;
- h. Perform such other powers and functions necessary to achieve the objectives of this Act; and
- i. Issue rules and regulations to effectively implement the provisions of this Act.

SEC. 9. Visitorial Powers of the Department. – The Department or its duly authorized representative shall have access to, and the right to copy therefrom, the records required to be maintained pursuant to the provisions of this Act. The Secretary or the duly authorized representative shall likewise have the right to enter the premises of any generator, recycler or manufacturer, or other facilities any time to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation, or which may aid in the effective enforcement of this Act and its implementing rules and regulations. This Section shall not apply to private dwelling places unless the visitorial power is otherwise judicially authorized.

SEC. 10. Role of LGUs in Solid Waste Management. – Pursuant to the relevant provisions of RA No. 7160, otherwise known as the Local Government Code, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdictions.

Segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable wastes: *Provided*, That the collection of non-recyclable materials and special wastes shall be the responsibility of the municipality or city.

SEC. 11. Provincial Solid Waste Management Board. – A Provincial Solid Waste Management Board shall be established in every province, to be chaired by the governor. Its members shall include:

- a. All the mayors of its component cities and municipalities;
- b. One representative from the Sangguniang Panlalawigan to be represented by the chairperson of either the Committees on Environment or Health or their equivalent committees, to be nominated by the presiding officer;
- c. The provincial health and/or general services officers, whichever may be recommended by the governor;
- d. The provincial environment and natural resources officer;
- e. The provincial engineer;
- f. Congressional representative from each congressional district within the province;
- g. A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality;
- h. A representative from the recycling industry;
- i. A representative from the manufacturing or packaging industry; and
- j. A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The Provincial Solid Waste Management Board may, from time to time, call on any other concerned agencies or sectors as it may deem necessary.

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Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

Provided, further, that in the Province of Palawan, the Board shall be chaired by the chairman of the Palawan Council for Sustainable Development, pursuant to Republic Act No. 7611.

In the case of Metro Manila, the Board shall be chaired by the chairperson of the MMDA and its members shall include:

- i) All mayors of its component cities and municipalities;
- ii) A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality;
- iii) A representative from the recycling industry; and
- iv) A representative from the manufacturing or packaging industry.

The Board may, from time to time, call on any other concerned agencies or sectors as it may deem necessary.

Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

The Provincial Solid Waste Management Board shall have the following functions and responsibilities:

1. Develop a provincial solid waste management plan from the submitted solid waste management plans of the respective city and municipal solid waste management boards herein created. It shall review and integrate the submitted plans of all its component cities and municipalities and ensure that the various plans complement each other, and have the requisite components. The Provincial Solid Waste Management Plan shall be submitted to the Commission for approval.

The Provincial Plan shall reflect the general program of action and initiatives of the provincial government in implementing a solid waste management program that would support the various initiatives of its component cities and municipalities.

2. Provide the necessary logistical and operational support to its component cities and municipalities in consonance with subsection (f) of Section 17 of the Local Government Code;
3. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem;
4. Recommend measures to generate resources, funding and implementation of projects and activities as specified in the duly approved solid waste management plans;
5. Identify areas within its jurisdiction which have common solid waste management problems and are appropriate units are planning local solid waste management services in accordance with Section 41 hereof;
6. Coordinate the efforts of the component cities and municipalities in the implementation of the Provincial Solid Waste Management Plan;
7. Develop an appropriate incentive scheme as an integral component of the Provincial Solid Waste Management Plan;

8. Convene joint meetings of the provincial, city and municipal solid waste management boards at least every quarter for purposes of integrating, synchronizing, monitoring and evaluating the development and implementation of its provincial solid waste management plan;
9. Represent any of its component city or municipality in coordinating its resource and operational requirements with agencies of the national government;
10. Oversee the implementation of the Provincial Solid Waste Management Plan;
11. Review every two years or as the need arises the Provincial Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international development in the field of solid waste management; and
12. Allow for the clustering of LGUs for the solution of common solid waste management problems.

SEC. 12. City and Municipal Solid Waste Management Board. – Each city or municipality shall form a City or Municipal Waste Management Board that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated in areas under in geographic and political coverage.

The City or Municipal Solid Waste Management Board shall be composed of the city or municipal mayor as head with the following as members:

- a. One representative of *Sangguniang Panlungsod* or the *Sangguniang Bayan*, preferably chairpersons of either the Committees on Environment or Health, who will be designated by the presiding officer;
- b. President of the Association of Barangay Councils in the municipality or city;
- c. Chairperson of the *Sangguniang Kabataan* Federation;
- d. A representative from NGOs whose principal purpose is to promote recycling and the protection of air and water quality;
- e. A representative from the recycling industry;
- f. A representative from the manufacturing or packaging industry; and
- g. A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The City or Municipal Solid Waste Management Board may, from time to time, call on any concerned agencies or sectors as it may deem necessary.

Provided, That representatives from NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

The City and Municipal Solid Waste Management Boards shall have the following duties and responsibilities:

1. Develop the City or Municipal Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the *barangays* in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;
2. Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component *barangays*;

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3. Monitor the implementation of the City or Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGOs;
4. Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;
5. Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component *barangays*;
6. Oversee the implementation of the City or Municipal Solid Waste Management Plan;
7. Review every two years or as the need arises the City or Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
8. Develop the specific mechanics and guidelines for the implementation of the City or Municipal Solid Waste Management Plan;
9. Recommend to appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to RA No. 6957, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchise and build-operate-transfer agreements;
10. Provide the necessary logistical and operational support to its component cities and municipalities in consonance with subsection (f) of Section 17 of the Local Government Code;
11. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
12. Coordinate the efforts of its component *barangays* in the implementation of the city or municipal Solid Waste Management Plan.

SEC. 13. *Establishment of Multi-Purpose Environment Cooperatives or Association in Every LGU.* – Multi-purpose cooperatives and associations that shall undertake activities to promote the implementation and/or directly undertake projects in compliance with the provisions of this Act shall be encouraged and promoted in every LGU.

CHAPTER III

COMPREHENSIVE SOLID WASTE MANAGEMENT

ARTICLE 1

GENERAL PROVISIONS

SECTION 14. *National Solid Waste Management Status Report.* – The Department, in coordination with the DOH and other concerned agencies, shall within six months after the effectivity of this Act, prepare a National Solid Waste Management Status Report which shall be used as a basis in formulating the National Solid Waste Management Framework provided in Section 15 of this Act. The concerned agencies shall submit to the Department relevant data necessary for the completion of the said report within three months following the effectivity of this Act. The said report shall include, but shall not be limited to, the following:

- a. Inventory of existing solid waste facilities;
- b. General waste characterization, taking into account the type, quantity of waste generated and estimation of volume and type of waste for reduction and recycling;
- c. Projection of waste generation;
- d. The varying regional geologic, hydrologic, climatic, and other factors vital in the implementation of solid waste practices to ensure the reasonable protection of:
 - 1) the quality of surface and groundwater from leachate contamination;
 - 2) the quality of surface waters from surface run-off contamination; and
 - 3) ambient air quality.
- e. Population density, distribution and projected growth;
- f. The political, economic, organizational, financial and management problems affecting comprehensive solid waste management;
- g. Systems and techniques of waste reduction, re-use and recycling;
- h. Available markets for recyclable materials;
- i. Estimated cost of collecting, storing, transporting, marketing and disposal of wastes and recyclable materials; and
- j. Pertinent qualitative and quantitative information concerning the extent of solid waste management problems and solid waste management activities undertaken by local government units and the waste generators.

Provided, That the Department, in consultation with concerned agencies, shall review, update and publish a National Solid Waste Management Status Report every two years or as the need arises.

SEC. 15. National Solid Waste Management Framework. – Within six months from the completion of the national solid waste management status report under Section 14 of this Act, the Commission created under Section 4 of this Act shall, with public participation, formulate and implement a National Solid Waste Management Framework. Such framework shall consider and include:

- a. Analysis and evaluation of the current state, trends, projections of solid waste management on the national, provincial and municipal levels;
- b. Identification of critical solid waste facilities and local government units which will need closer monitoring and/or regulation;
- c. Characteristics and conditions of collection, storage, processing, disposal, operating methods, techniques and practices, location of facilities where such operating methods, techniques and practices are conducted, taking into account the nature of the waste;
- d. Waste diversion goal pursuant to Section 20 of this Act;
- e. Schedule for the closure and/or upgrading of open and controlled dumps pursuant to Section 37 of this Act;
- f. Methods of closing or upgrading open dumps for purposes of eliminating potential health hazards;
- g. The profile of sources, including industrial, commercial, domestic, and other sources;

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- h. Practical applications of environmentally sound techniques of water minimization such as, but not limited to, resource conservation, segregation at source, recycling, resource recovery, including waste-to-energy generation, re-use and composting;
- i. A technical and economic description of the level of performance that can be attained by various available solid waste management practices which provide for the protection of public health and the environment;
- j. Appropriate solid waste facilities and conservation systems;
- k. Recycling programs for the recyclable materials, such as but not limited to glass, paper, plastic and metal;
- l. Venues for public participation from all sectors at all phases/stages of the waste management program/project;
- m. Information and education campaign strategies;
- n. A description of levels of performance and appropriate methods and degrees of control that provide, at the minimum, for protection of public health and welfare through:
 - 1) Protection of the quality of groundwater and surface waters from leachate and run-off contamination;
 - 2) Disease and epidemic prevention and control;
 - 3) Prevention and control of offensive odor; and
 - 4) Safety and aesthetics.
- o. Minimum criteria to be used by the local government units to define ecological solid waste management practices. As much as practicable, such guidelines shall also include minimum information for use in deciding the adequate location, design and construction of facilities associated with solid waste management practices, including the consideration of regional, geographic, demographic and climatic factors; and
- p. The method and procedure for the phaseout and the eventual closure within 18 months from the effectivity of this Act in case of existing open dumps and/or sanitary landfills located within an aquifer, groundwater reservoir or watershed area.

SEC. 16. Local Government Solid Waste Management Plans. – The province, city or municipality, through its local solid waste management boards, shall prepare its respective 10-year solid waste management plans consistent with the national solid waste management framework: *Provided*, That the waste management plan shall be for the re-use, recycling and composting of wastes generated in their respective jurisdictions: *Provided, further*, That the solid waste management plan of the LGU shall ensure the efficient management of solid waste generated within its jurisdiction. The plan shall place primary emphasis on implementation of all feasible re-use, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled, or composted. The plan shall contain all the components provided in Section 17 of this Act and a timetable for the implementation of the solid waste management program in accordance with the National Framework and pursuant to the provisions of this Act: *Provided, finally*, That it shall be reviewed and updated every year by the provincial, city or municipal solid waste management board.

For LGUs which have considered solid waste management alternatives to comply with Section 37 of this Act, but are unable to utilize such alternatives, a timetable or schedule of compliance specifying the remedial measure and eventual compliance shall be included in the plan.

All local government solid waste management plans shall be subjected to the approval of the Commission. The plan shall be consistent with the national framework and in accordance with the provisions of this Act and of the policies set by the Commission: *Provided*, That in the Province of Palawan, the local government solid waste management plan shall be approved by the Palawan Council for Sustainable Development, pursuant to RA No. 7611.

SEC. 17. *The Components of the Local Government Solid Waste Management Plan.* – The solid waste management plan shall include, but not limited to, the following components:

- a. *City or Municipal Profile* – The plan shall indicate the following background information on the city or municipality and its component *barangays*, covering important highlights of the distinct geographic and other conditions:
 - 1) Estimated population of each *barangay* within the city or municipality and population project for a 10-year period;
 - 2) Illustration or map of the city/municipality, indicating locations of residential, commercial, and industrial centers, and agricultural area, as well as dumpsites, landfills and other solid waste facilities. The illustration shall indicate as well, the proposed sites for disposal and other solid waste facilities;
 - 3) Estimated solid waste generation and projection by source, such as residential, market, commercial, industrial, construction/demolition, street waste, agricultural, agro-industrial, institutional, other wastes; and
 - 4) Inventory of existing waste disposal and other solid waste facilities and capacities.
- b. *Waste characterization* – For the initial source reduction and recycling element of a local waste management plan, the LGU waste characterization component shall identify the constituent materials which comprise the solid waste generated within the jurisdiction of the LGU. The information shall be representative of the solid waste generated and disposed of within that area. The constituent materials shall be identified by volume, percentage in weight or its volumetric equivalent, material type, and source of generation which includes residential, commercial, industrial, governmental, or other sources. Future revisions of waste characterization studies shall identify the constituent materials which comprise the solid waste disposed of at permitted disposal facilities.
- c. *Collection and Transfer* – The plan shall take into account the geographic subdivisions to define the coverage of the solid waste collection area in every *barangay*. The *barangay* shall be responsible for ensuring that a 100 percent collection efficiency from residential, commercial, industrial and agricultural sources, where necessary within its area of coverage, is achieved. Toward this end, the plan shall define and identify the specific strategies and activities to be undertaken by its component *barangays*, taking into account the following concerns:
 - 1) Availability and provision of properly designed containers or receptacles in selected collection points for the temporary storage of solid waste while awaiting collection and transfer to processing sites or to final disposal sites;
 - 2) Segregation of different types of solid waste for re-use, recycling and composting;

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- 3) Hauling and transfer of solid waste from source or collection points to processing sites or final disposal sites;
- 4) Issuance and enforcement of ordinances to effectively implement a collection system in the barangay; and
- 5) Provision of properly trained officers and workers to handle solid waste disposal.

The plan shall define and specify the methods and systems for the transfer of solid waste from specific collection points to solid waste management facilities.

- d. *Processing* – The Plan shall define the methods and the facilities required to process the solid waste, including the use of intermediate treatment facilities for composting, recycling, conversion and other waste processing systems. Other appropriate waste processing technologies may also be considered provided that such technologies conform with internationally-acceptable and other standards set in other laws and regulations.
- e. *Source reduction* – The source reduction component shall include a program and implementation schedule which shows the methods by which the LGU will, in combination with the recycling and composting components, reduce a sufficient amount of solid waste disposed of in accordance with the diversion requirements of Section 20.

The source reduction component shall describe the following:

- 1) strategies in reducing the volume of solid waste generated at source;
- 2) measures for implementing such strategies and the resources necessary to carry out such activities;
- 3) other appropriate waste reduction technologies that may also be considered, provided that such technologies conform with the standards set pursuant to this Act;
- 4) the types of wastes to be reduced pursuant to Section 15 of this Act;
- 5) the methods that the LGU will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through re-use, recycling and composting; and
- 6) new facilities and expansion of existing facilities which will be needed to implement re-use, recycling and composting.

The LGU source reduction component shall include the evaluation and identification of rate structures and fees for the purpose of reducing the amount of waste generated, and other source reduction strategies, including but not limited to, programs and economic incentives provided under Sec. 45 of this Act to reduce the use of non-recyclable materials, replace disposable materials and products with reusable materials and products, reduce packaging, and increase the efficiency of the use of paper, cardboard, glass, metal, and other materials. The waste reduction activities of the community shall also take into account, among others, local capability, economic viability, technical requirements, social concerns, disposition of residual waste and environmental impact: *Provided, That*, projection of future facilities needed and estimated cost shall be incorporated in the plan.

- f. *Recycling* – The recycling component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with the source reduction and composting components, reduce a sufficient amount of solid waste disposed of in accordance with the diversion requirements set in Section 20.

The LGU recycling component shall describe the following:

- 1) The types of materials to be recycled under the programs;
- 2) The methods for determining the categories of solid wastes to be diverted from disposal at a disposal facility through recycling; and
- 3) New facilities and expansion of existing facilities needed to implement the recycling component.

The LGU recycling component shall describe methods for developing the markets for recycled materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of recycled products. Each LGU may determine and grant a price preference to encourage the purchase of recycled products.

The five-year strategy for collecting, processing, marketing and selling the designated recyclable materials shall take into account persons engaged in the business of recycling or persons otherwise providing recycling services before the effectivity of this Act. Such strategy may be based upon the results of the waste composition analysis performed pursuant to this Section or information obtained in the course of past collection of solid waste by the local government unit, and may include recommendations with respect to increasing the number of materials designated for recycling pursuant to this Act.

The LGU recycling component shall evaluate industrial, commercial, residential, agricultural, governmental and other curbside, mobile, drop-off and buy-back recycling programs, manual and automated materials recovery facilities, zoning, building code changes and rate structures which encourage recycling of materials. The Solid Waste Management Plan shall indicate the specific measures to be undertaken to meet the waste diversion specified under Section 20 of this Act.

Recommended revisions to the building ordinances, requiring newly-constructed buildings and buildings undergoing specified alterations to contain storage space, devices or mechanisms that facilitate source separation and storage of designated recyclable materials to enable the local government unit to efficiently collect, process, market and sell the designated materials. Such recommendations shall include, but shall not be limited to separate chutes to facilitate source separation in multi-family dwellings, storage areas that conform to fire and safety code regulations, and specialized storage containers.

The Solid Waste Management Plan shall indicate the specific measures to be undertaken to meet the recycling goals pursuant to the objectives of this Act.

- g. *Composting* – The composting component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with the source reduction and recycling components, reduce a sufficient amount of solid waste disposed of within its jurisdiction to comply with the diversion requirements of Section 20 hereof.

The LGU composting component shall describe the following:

- 1) The types of materials which will be composted under the programs;
- 2) The methods for determining the categories of solid wastes to be diverted from disposal at a disposal facility through composting; and
- 3) New facilities, and expansion of existing facilities needed to implement the composting component.

The LGU composting component shall describe methods for developing the markets for composted materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of composted products. Each LGU may determine and grant a price preference to encourage the purchase of composted products.

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h. *Solid waste facility capacity and final disposal* – The solid waste facility component shall include, but shall not be limited to, a projection of the amount of disposal capacity needed to accommodate the solid waste generated, reduced by the following:

- 1) Implementation of source reduction, recycling and composting programs required in this Section or through implementation of other waste diversion activities pursuant to Section 20 of this Act;
- 2) Any permitted disposal facility which will be available during the 10-year planning period; and
- 3) All disposal capacity which has been secured through an agreement with another LGU, or through an agreement with a solid waste enterprise.

The plan shall identify existing and proposed disposal sites and waste management facilities in the city or municipality or in other areas. The plan shall specify the strategies for the efficient disposal of waste through existing disposal facilities and the identification of prospective sites for future use. The selection and development of disposal sites shall be made on the basis of internationally accepted standards and on the guidelines set in Sections 41 and 42 of this Act.

Strategies shall be included to improve said existing sites to reduce adverse impact on health and the environment, and to extend life span and capacity. The plan shall clearly define projections for future disposal site requirements and the estimated cost for these efforts.

Open dump sites shall not be allowed as final disposal sites. If an open dump site is existing within the city or municipality, the plan shall make provisions for its closure or eventual phase out within the period specified under the framework and pursuant to the provisions under Section 37 of this Act. As an alternative, sanitary landfill sites shall be developed and operated as a final disposal site for solid and, eventually, residual wastes of a municipality or city or a cluster of municipality/ies and/or cities. Sanitary landfills shall be designed and operated in accordance with the guidelines set under Sections 40 and 41 of this Act.

i. *Education and public information* – The education and public information component shall describe how the LGU will educate and inform its citizens about the source reduction, recycling, and composting programs.

The plan shall make provisions to ensure that information on waste collection services, solid waste management and related health and environmental concerns are widely disseminated among the public. This shall be undertaken through the print and broadcast media and other government agencies in the municipality. The DECS and the Commission on Higher Education shall ensure that waste management shall be incorporated in the curriculum of primary, secondary and college students.

j. *Special Waste* – The special waste component shall include existing waste handling and disposal practices for special wastes or household hazardous wastes, and the identification of current and proposed programs to ensure the proper handling, re-use, and long-term disposal of special wastes.

k. *Resource requirement and funding* – The funding component includes identification and description of project costs, revenues, and revenue sources the LGU will use to implement all components of the LGU solid waste management plan.

The plan shall likewise indicate specific projects, activities, equipment and technological requirements for which outside sourcing of funds or materials may be necessary to carry out the specific components of the plan. It shall define the specific uses for its resource requirements and indicate its costs. The plan shall likewise indicate how the province, city or municipality intends to generate the funds for the acquisition of its resource requirements. It shall also indicate if certain

resource requirements are being or will be sourced from fees, grants, donations, local funding and other means. This will serve as basis for the determination and assessment of incentives which may be extended to the province, city or municipality as provided for in Section 45 of this Act.

- l. *Privatization of solid waste management projects* – The plan shall likewise indicate specific measures to promote the participation of the private sector in the management of solid wastes, particularly in the generation and development of the essential technologies for solid waste management. Specific projects or component activities of the plan which may be offered as private sector investment activity shall be identified and promoted as such. Appropriate incentives for private sector involvement in solid waste management shall likewise be established and provided for in the plan, in consonance with Sec. 45 hereof and other existing laws, policies and regulations; and
- m. *Incentive programs* – A program providing for incentives, cash or otherwise, which shall encourage the participation of concerned sectors shall likewise be included in the plan.

SEC. 18. Owner and Operator. – Responsibility for compliance with the standards in this Act shall rest with the owner and/or operator. If specifically designated, the operator is considered to have primary responsibility for compliance; however, this does not relieve the owner of the duty to take all reasonable steps to assure compliance with these standards and any assigned conditions. When the title to a disposal is transferred to another person, the new owner shall be notified by the previous owner of the existence of these standards and of the conditions assigned to assure compliance.

SEC. 19. Waste Characterization. – The Department in coordination with the LGUs, shall be responsible for the establishment of the guidelines for the accurate characterization of wastes including determination of whether or not wastes will be compatible with containment features and other wastes, and whether or not wastes are required to be managed as hazardous wastes under RA No. 6969, otherwise known as the Toxic Substance and Hazardous and Nuclear Wastes Control Act.

SEC. 20. Establishing Mandatory Solid Waste Diversion. – Each LGU plan shall include an implementation schedule which shows that within five years after the effectivity of this Act, the LGU shall divert at least 25 percent of all solid waste from waste disposal facilities through re-use, recycling and composting activities and other resource recovery activities; *Provided*, That the waste diversion goals shall be increased every three years thereafter. *Provided, further*, That nothing in this Section prohibits a local government unit from implementing re-use, recycling, and composting activities designed to exceed the goal.

ARTICLE 2

SEGREGATION OF WASTES

SECTION 21. Mandatory Segregation of Solid Wastes. – The LGUs shall evaluate alternative roles for the public and private sectors in providing collection services, type of collection system, or combination of systems, that best meet their needs: *Provided*, That segregation of wastes shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources: *Provided, further*; That wastes shall be segregated into the categories provided in Section 22 of this Act.

For premises containing six or more residential units, the local government unit shall promulgate regulations requiring the owner or person in charge of such premises to:

- a. provide for the residents a designated area and containers in which to accumulate source separated recyclable materials to be collected by the municipality or private center; and

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- b. notify the occupants of each buildings of the requirements of this Act and the regulations promulgated pursuant thereto.

SEC. 22. Requirements for the Segregation and Storage of Solid Waste. – The following shall be the minimum standards and requirements for segregation and storage of solid waste pending collection:

- a. There shall be a separate container for each type of waste from all sources: *Provided*, That in the case of bulky waste, it will suffice that the same be collected and placed in a separate designated area; and
- b. The solid waste container depending on its use shall be properly marked or identified for on-site collection as “compostable,” “non-recyclable,” “recyclable” or “special waste,” or any other classification as may be determined by the Commission.

ARTICLE 3

COLLECTION AND TRANSPORT OF SOLID WASTES

SECTION 23. Requirements for Collection of Solid Waste. – The following shall be the minimum standards and requirements for the collection of solid waste:

- a. All collectors and other personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling solid wastes;
- b. Necessary training shall be given to the collectors and personnel to ensure that the solid wastes are handled properly and in accordance with the guidelines pursuant to this Act; and
- c. Collection of solid waste shall be done in a manner which prevents damage to the container and spillage or scattering of solid waste within the collection vicinity.

SEC. 24. Requirements for the Transport of Solid Waste. – The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid wastes shall have the appropriate compartments to facilitate efficient storing of sorted wastes while in transit.

Vehicles shall be designed to consider road size, condition and capacity to ensure the safe and efficient collection and transport of solid wastes.

The waste compartment shall have a cover to ensure the containment of solid wastes while in transit.

For the purpose of identification, vehicles shall bear the body number, the name, and the telephone number of the contractor/agency collecting solid waste.

SEC. 25. Guidelines for Transfer Stations. – Transfer stations shall be designed and operated for efficient waste handling capacity and in compliance with environmental standards and guidelines set pursuant to this Act and other regulations: *Provided*, That no waste shall be stored in such station beyond 24 hours.

The siting of the transfer station shall consider the land use plan, proximity to collection area, and accessibility of haul routes to disposal facility. The design shall give primary consideration to size and space sufficiency in order to accommodate the waste for storage and vehicles for loading and unloading of wastes.

ARTICLE 4
RECYCLING PROGRAM

SECTION 26. *Inventory of Existing Markets for Recyclable Materials.* – The DTI shall, within six months from the effectivity of this Act and in cooperation with the Department, the DILG and other concerned agencies and sectors, publish a study of existing markets for processing and purchasing recyclable materials and the potential steps necessary to expand these markets. Such study shall include, but not be limited to, an inventory of existing markets for recyclable materials, product standards for recyclable and recycled materials, and a proposal, developed in conjunction with the appropriate agencies, to stimulate the demand for the production of products containing post-consumer and recovered materials.

SEC. 27. *Requirement for Eco-Labeling.* – The DTI shall formulate and implement a coding system for packaging materials and products to facilitate waste and recycling and re-use.

SEC. 28. *Reclamation Programs and Buy-back Centers for Recyclables and Toxics.* – The National Ecology Center shall assist LGUs in establishing and implementing deposit or reclamation programs in coordination with manufacturers, recyclers and generators to provide separate collection systems or convenient drop-off locations for recyclable materials and particularly for separated toxic components of the waste stream like dry cell batteries and tires to ensure that they are not incinerated or disposed of in a landfill. Upon effectivity of this Act, toxic materials present in the waste stream should be separated at source, collected separately and further screened and sent to appropriate hazardous waste treatment and disposal plants, consistent with the provisions of RA No. 6969.

SEC. 29. *Non-Environmentally Acceptable Products.* – Within one year from the effectivity of this Act, the Commission shall, after public notice and hearing, prepare a list of non-environmentally acceptable products as defined in this Act that shall be prohibited according to a schedule that shall be prepared by the Commission: *Provided, however,* That non-environmentally acceptable products shall not be prohibited unless the Commission first finds that there are alternatives available which are available to consumers at no more than 10 percent greater cost than the disposable product.

Notwithstanding any other provisions to the contrary, this section shall not apply to:

- a. Packaging used at hospitals, nursing homes or other medical facilities; and
- b. Any packaging which is not environmentally acceptable, but for which there is no commercially available alternative as determined by the Commission.

The Commission shall annually review and update the list of prohibited non-environmentally acceptable products.

SEC. 30. *Prohibition on the Use of Non-Environmentally Acceptable Packaging.* – No person owning, operating or conducting a commercial establishment in the country shall sell or convey at retail or possess with the intent to sell or convey at retail any products that are placed, wrapped or packaged in or on packaging which is not environmentally acceptable packaging: *Provided,* That the Commission shall determine a phaseout period after proper consultation and hearing with the stakeholders or with the sectors concerned. The presence in the commercial establishment of non-environmentally acceptable packaging shall constitute a rebuttable presumption of intent to sell or convey the same at retail to customers.

Any person who is a manufacturer, broker or warehouse operator engaging in the distribution or transportation of commercial products within the country shall file a report with the concerned local

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government within one year from the effectivity of this Act, and annually thereafter, a listing of any products in packaging which is not environmentally acceptable. The Commission shall prescribe the form of such report in its regulations.

A violation of this Section shall be sufficient grounds for the revocation, suspension, denial or non-renewal of any license for the establishment in which the violation occurs.

SEC. 31. *Recycling Market Development.* – The Commission together with the National Ecology Center, the DTI and the Department of Finance shall establish procedures, standards and strategies to market recyclable materials and develop the local market for recycled goods, including but not limited to:

- a. measures providing economic incentives and assistance including loans and grants for the establishment of privately-owned facilities to manufacture finished products from post-consumer materials;
- b. guarantees by the national and local governments to purchase a percentage of the output of the facility; and
- c. maintaining a list of prospective buyers, establishing contact with prospective buyers and reviewing and making any necessary changes in collecting or processing the materials to improve their marketability.

In order to encourage establishment of new facilities to produce goods from post-consumer and recovered materials generated within local government units, and to conserve energy by reducing materials transportation, whenever appropriate, each local government unit may arrange for long-term contracts to purchase a substantial share of the product output of a proposed facility which will be based in the jurisdiction of the local government unit if such facility will manufacture such finished products from post-consumer and recovered materials.

SEC. 32. *Establishment of LGU Materials Recovery Facility.* – There shall be established a Materials Recovery Facility (MRF) in every *barangay* or cluster of *barangays*. The facility shall be established in a *barangay*-owned or -leased land or any suitable open space to be determined by the *barangay* through its *Sanggunian*. For this purpose, the *barangay* or cluster of *barangays* shall allocate a certain parcel of land for the MRF. The determination of site and actual establishment of the facility shall likewise be subject to the guidelines and criteria set pursuant to this Act. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill.

SEC. 33. *Guidelines for Establishment of Materials Recovery Facility.* – Materials recovery facilities shall be designed to receive, sort, process and store compostable and recyclable material efficiently and in an environmentally sound manner. The facility shall address the following considerations:

- a. The building and/or land layout and equipment must be designed to accommodate efficient and safe materials processing, movement, and storage; and
- b. The building must be designed to allow efficient and safe external access and to accommodate internal flow.

**ARTICLE 5
COMPOSTING**

SECTION 34. *Inventory of Markets for Composts.* – Within six months after the effectivity of this Act, the DA shall publish an inventory of existing markets and demands for composts. Said inventory shall thereafter be updated and published annually: *Provided*, That the composting of agricultural wastes and other compostable materials, including but not limited to garden wastes, shall be encouraged.

SEC. 35. *Guidelines for Compost Quality.* – Compost products intended to be distributed commercially shall conform with the standards for organic fertilizers set by the DA. The DA shall assist the compost producers to ensure that the compost products conform to such standards.

**ARTICLE 6
WASTE MANAGEMENT FACILITIES**

SECTION 36. *Inventory of Waste Disposal Facilities.* – Within six months from the effectivity of this Act, the Department, in cooperation with the DOH, DILG and other concerned agencies, shall publish an inventory of all solid waste disposal facilities or sites in the country.

SEC. 37. *Prohibition Against the Use of Open Dumps for Solid Waste.* – No open dumps shall be established and operated, nor any practice or disposal of solid waste by any person, including LGUs, which constitutes the use of open dumps for solid wastes, be allowed after the effectivity of this Acts: *Provided*, That within three years after the effectivity of this Act, every LGU shall convert its open dumps into controlled dumps, in accordance with the guidelines set in Section 41 of this Act: *Provided, further*, That no controlled dumps shall be allowed five years following the effectivity of this Act.

SEC. 38. *Permit for Solid Waste Management Facility Construction and Expansion.* – No person shall commence operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility until said person obtains an Environment Compliance Certificate (ECC) from the Department pursuant to PD No. 1586 and other permits and clearances from concerned agencies.

SEC. 39. *Guidelines for Controlled Dumps.* – The following shall be the minimum considerations for the establishments of controlled dumps:

- a. Regular inert cover;
- b. Surface water and peripheral site drainage control;
- c. Provision for aerobic and anaerobic decomposition;
- d. Restriction of waste deposition to small working areas;
- e. Fence, including provision for litter control;
- f. Basic record-keeping;
- g. Provision of maintained access road;
- h. Controlled waste picking and trading;
- i. Post-closure site cover and vegetation; and
- j. Hydrogeological siting.

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SEC. 40. *Criteria for Siting a Sanitary Landfill.* – The following shall be the minimum criteria for the siting of sanitary landfills:

- a. The site selected must be consistent with the overall land use plan of the LGU;
- b. The site must be accessible from major roadways or thoroughfares;
- c. The site should have an adequate quantity of earth cover material that is easily handled and compacted;
- d. The site must be chosen with regard for the sensitivities of the community's residents;
- e. The site must be located in an area where the landfill's operation will not detrimentally affect environmentally sensitive resources such as aquifer, groundwater reservoir or watershed area;
- f. The site should be large enough to accommodate the community's wastes for a period of five years during which people must internalize the value of environmentally sound and sustainable solid waste disposal;
- g. The site chosen should facilitate developing a landfill that will satisfy budgetary constraints, including site development, operation for many years, closure, post-closure care and possible remediation costs;
- h. Operating plans must include provisions for coordinating with recycling and resource recovery projects; and
- i. Designation of a separate containment area for household hazardous wastes.

SEC. 41. *Criteria for Establishment of Sanitary Landfill.* – The following shall be the minimum criteria for the establishment of sanitary landfills:

- a. Liners – a system of clay layers and/or geosynthetic membranes used to contain leachate and reduce or prevent contaminant flow to groundwater;
- b. Leachate collection and treatment system – installation of pipes at the low areas of the liner to collect leachate for storage and eventual treatment and discharge;
- c. Gas control and recovery system – a series of vertical wells or horizontal trenches containing permeable materials and perforated piping placed in the landfill to collect gas for treatment or productive use as an energy source;
- d. Groundwater monitoring well system – wells placed at an appropriate location and depth for taking water samples that are representative of ground water quality;
- e. Cover – two forms of cover consisting of soil and geosynthetic materials to protect the waste from long-term contact with the environment:
 - i) a daily cover placed over the waste at the close of each day's operations, and;
 - ii) a final cover, or cap, which is the material placed over the completed landfill to control infiltration of water, gas emission to the atmosphere, and erosion.
- f. Closure procedure – with the objectives of establishing low maintenance cover systems and final cover that minimizes the infiltration of precipitation into the waste. Installation of the final cover must be completed within six months of the last receipt of wastes;
- g. Post-closure care procedure – During this period, the landfill owner shall be responsible for providing for the general upkeep of the landfill, maintaining all of the landfill's environmental

protection features, operating monitoring equipment, remediating groundwater should it become contaminated and controlling landfill gas migration or emission.

SEC. 42. Operating Criteria for Sanitary Landfills. – In the operation of a sanitary land fill, each site operator shall maintain the following minimum operating requirements:

- a. Disposal site records of, but not limited to:
 - 1) Records of weights or volumes accepted in a form and manner approved by the Department. Such records shall be submitted to the Department upon request, accurate to within 10 percent and adequate for overall planning purposes and forecasting the rate of site filling;
 - 2) Records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties;
 - 3) Daily logbook or file of the following information: fires, landslides, earthquake damage, unusual and sudden settlement, injury and property damage, accidents, explosions, receipt or rejection of unpermitted wastes, flooding and other unusual occurrences;
 - 4) Record of personnel training; and
 - 5) Copy of written notification to the Department, local health agency, and fire authority of names, addresses and telephone numbers of the operator or responsible party of the site;
- b. Water quality monitoring of surface and ground waters and effluent, and gas emissions;
- c. Documentation of approvals, determinations and other requirements by the Department;
- d. Signs
 - 1) Each point of access from a public road shall be posted with an easily visible sign indicating the facility name and other pertinent information as required by the Department;
 - 2) If the site is open to the public, there shall be an easily visible sign at the primary entrance of the site indicating the name of the site operator, the operator's telephone number, and hours of operation; an easily visible sign at an appropriate point shall indicate the schedule of charges and the general types of materials which will either be accepted or not;
 - 3) If the site is open to the public, there shall be an easily visible road sign and/or traffic control measures which direct traffic to the active face and other areas where wastes or recyclable materials will be deposited; and
 - 4) Additional signs and/or measures may be required at a disposal site by the Department to protect personnel and public health and safety;
- e. Monitoring of quality of surface, ground and effluent waters, and gas emissions;
- f. The site shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter barrier or topographic constraints. Areas within the site where open storage or piling of hazardous materials occurs shall be separately fenced or otherwise secured as determined by the Department. The Department may also require that other areas of the site be fenced to create an appropriate level of security;
- g. Roads within the permitted facility boundary shall be designed to minimize the generation of dust and the tracking of material onto adjacent public roads. Such roads shall be kept in safe condition and maintained such that vehicle access and unloading can be conducted during inclement weather;

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- h. Sanitary facilities consisting of adequate number of toilets and handwashing facilities, shall be available to personnel at or in the immediate vicinity of the site;
- i. Safe and adequate drinking water supply for the site personnel shall be available;
- j. The site shall have communication facilities available to site personnel to allow quick response to emergencies;
- k. Where operations are conducted during hours of darkness, the site and/or equipment shall be equipped with adequate lighting as approved by the Department to ensure safety and to monitor the effectiveness of operations;
- l. Operating and maintenance personnel shall wear and use appropriate safety equipment as required by the Department;
- m. Personnel assigned to operate the site shall be adequately trained in subject pertinent to the site operation and maintenance, hazardous materials recognition and screening, and heavy equipment operations, with emphasis on safety, health, environmental controls and emergency procedures. A record of such training shall be placed in the operating record;
- n. The site operator shall provide adequate supervision of a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the Department and local health agency in writing of the names, addresses, and telephone number of the operator or responsible party. A copy of the written notification shall be placed in the operating record;
- o. Any disposal site open to the public shall have an attendant present during public operating hours or the site shall be inspected by the operator on a regularly scheduled basis, as determined by the Department;
- p. Unloading of solid wastes shall be confined to a small area as possible to accommodate the number of vehicles using the area without resulting in traffic, personnel, or public safety hazards. Waste materials shall normally be deposited at the toe of the fill, or as otherwise approved by the Department;
- q. Solid waste shall be spread and compacted in layers with repeated passages of the landfill equipment to minimize voids within the cell and maximize compaction. The loose layer shall not exceed a depth approximately two feet before compaction. Spreading and compacting shall be accomplished as rapidly as practicable, unless otherwise approved by the Department;
- r. Covered surfaces of the disposal area shall be graded to promote lateral runoff of precipitation and to prevent pounding. Grades shall be established of sufficient slopes to account for future settlement of the fill surface. Other effective maintenance methods may be allowed by the Department; and
- s. Cover material or native material unsuitable for cover, stockpiled on the site for use or removal, shall be placed so as not to cause problems or interfere with unloading, spreading, compacting, access, safety, drainage, or other operations.

ARTICLE 7

LOCAL GOVERNMENT SOLID WASTE MANAGEMENT

SECTION 43. Guidelines for Identification of Common Solid Waste Management Problems. – For purposes of encouraging and facilitating the development of local government plans for solid waste management, the Commission shall, as soon as practicable but not later than six months from the effectivity of this

Act, publish guidelines for the identification of those areas which have common solid waste management problems and are appropriate units for clustered solid waste management services. The guidelines shall be based on the following:

- a. the size and location of areas which should be included;
- b. the volume of solid waste which would be generated;
- c. the available means of coordinating local government planning between and among the LGUs and for the integration of such with the national plan; and
- d. possible lifespan of the disposal facilities.

SEC. 44. Establishment of Common Waste Treatment and Disposal Facilities. – Pursuant to Section 33 of RA No. 7160, otherwise known as the Local Government Code, all provinces, cities, municipalities and *barangays*, through appropriate ordinances, are hereby mandated to consolidate, or coordinate their efforts, services, and resources for purposes of jointly addressing common solid waste management problems and/or establishing common waste disposal facilities.

The Department, the Commission and local solid waste management boards shall provide technical and marketing assistance to the LGUs.

CHAPTER IV INCENTIVES

SECTION 45. *Incentives.*

- a. Rewards, monetary or otherwise, shall be provided to individuals, private organizations and entities, including non-government organizations, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in re-use, recycling and reduction. Said rewards shall be sourced from the Fund herein created.
- b. An incentive scheme is hereby provided for the purpose of encouraging LGUs, enterprises, or private entities, including NGOs, to develop or undertake an effective solid waste management, or actively participate in any program geared towards the promotion thereof as provided for in this Act.
 - 1) **Fiscal Incentives.** – Consistent with the provisions of EO No. 226, otherwise known as the Omnibus Investments Code, the following tax incentives shall be granted:
 - a) **Tax and Duty Exemption on Imported Capital Equipment and Vehicles** – Within 10 years upon effectivity of this Act, LGUs, enterprises or private entities shall enjoy tax and duty-free importation of machinery, equipment, vehicles and spare parts used for collection, transportation, segregation, recycling, re-use and composting of solid wastes: *Provided*, That the importation of such machinery, equipment, vehicle and spare parts shall comply with the following conditions:
 - i) They are not manufactured domestically in sufficient quantity, of comparable quality and at reasonable prices;
 - ii) They are reasonably needed and will be used actually, directly and exclusively for the abovementioned activities;
 - iii) The approval of the Board of Investment (BOI) of the DTI for the importation of such machinery, equipment, vehicle and spare parts.

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Provided, further, That the sale, transfer or disposition of such machinery, equipment, vehicle and spare parts, without prior approval of the BOI, within five years from the date of acquisition shall be prohibited, otherwise, the LGU concerned, enterprises or private entities and the vendee, transferee, or assignee shall be solidarily liable to pay twice the amount of tax and duty exemption given it.

- b) ***Tax Credit on Domestic Capital Equipment*** – Within 10 years from the effectivity of this Act, a tax credit equivalent to 50 percent of the value of the national internal revenue taxes and customs duties that would have been waived on the machinery, equipment, vehicle and spare parts, had these items been imported shall be given to enterprises, private entities, including NGOs, subject to the same conditions and prohibition cited in the preceding paragraph.
 - c) ***Tax and Duty Exemption of Donations, Legacies and Gift*** – All legacies, gifts and donations to LGUs, enterprises or private entities, including NGOs, for the support and maintenance of the program for effective solid waste management shall be exempt from all internal revenue taxes and customs duties, and shall be deductible in full from the gross income of the donor for income tax purposes.
- 2) ***Non-Fiscal Incentives.*** – LGUs, enterprises or private entities availing of tax incentives under this Act shall also be entitled to applicable non-fiscal incentives provided for under EO No. 226, otherwise known as the Omnibus Investments Code.

The Commission shall provide incentives to businesses and industries that are engaged in the recycling of wastes and which are registered with the Commission and have been issued ECCs in accordance with the guidelines established by the Commission. Such incentives shall include simplified procedures for the importation of equipment, spare parts, new materials, and supplies, and for the export of processed products.

- 3) ***Financial Assistance Program.*** – Government financial institutions such as the Development Bank of the Philippines (DBP), Landbank of the Philippines (LBP), Government Service Insurance System (GSIS), and such other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extend financial services to individuals, enterprises, or private entities engaged in solid waste management.
- 4) ***Extension of Grants to LGUs.*** – Provinces, cities and municipalities whose solid waste management plans have been duly approved by the Commission or who have been commended by the Commission for adopting innovative solid waste management programs may be entitled to receive grants for the purpose of developing their technical capacities toward actively participating in the program for effective and sustainable solid waste management.
- 5) ***Incentives to Host LGUs.*** – Local government units who host common waste management facilities shall be entitled to incentives.

CHAPTER V FINANCING SOLID WASTE MANAGEMENT

SECTION 46. *Solid Waste Management Fund.* – There is hereby created, as a special account in the National Treasury, a Solid Waste Management Fund to be administered by the Commission. Such fund shall be sourced from the following:

- a. Fines and penalties imposed, proceeds of permits and licenses issued by the Department under this Act, donations, endowments, grants and contributions from domestic and foreign sources; and
- b. Amounts specifically appropriated for the Fund under the annual General Appropriations Act;

The Fund shall be used to finance the following:

1. products, facilities, technologies and processes to enhance proper solid waste management;
2. awards and incentives;
3. research programs;
4. information, education, communication and monitoring activities;
5. technical assistance; and
6. capability building activities.

LGUs are entitled to avail of the Fund on the basis of their approved solid waste management plan. Specific criteria for the availment of the Fund shall be prepared by the Commission.

The fines collected under Section 49 shall be allocated to the LGU where the fined prohibited acts are committed in order to finance the solid waste management of said LGU. Such allocation shall be based on a sharing scheme between the Fund and the LGU concerned.

In no case, however, shall the Fund be used for the creation of positions or payment of salaries and wages.

SEC. 47. Authority to Collect Solid Waste Management Fees. – The local government unit shall impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a solid waste management plan prepared pursuant to this Act. The fees shall be based on the following minimum factors:

- a. types of solid waste;
- b. amount/volume of waste; and
- c. distance of the transfer station to the waste management facility.

The fees shall be used to pay the actual costs incurred by the LGU in collecting the local fees. In determining the amounts of the fees, an LGU shall include only those costs directly related to the adoption and implementation of the plan and the setting and collection of the local fees.

CHAPTER VI PENAL PROVISIONS

SECTION 48. Prohibited Acts. – The following acts are prohibited:

1. Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same;
2. Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits set forth in established pursuant;
3. The open burning of solid waste;
4. Causing or permitting the collection of non-segregated or unsorted wastes;
5. Squatting in open dumps and landfills;

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6. Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas;
7. Unauthorized removal of recyclable material intended for collection by authorized persons;
8. The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
9. Establishment or operation of open dumps as enjoined in this Act, or closure of said dumps in violation of Section 37;
10. The manufacture, distribution or use of non-environmentally acceptable packaging materials;
11. Importation of consumer products packaged in non-environmentally acceptable materials;
12. Importation of toxic wastes misrepresented as “recyclable” or “with recyclable content;”
13. Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers or facilities prescribed under this Act;
14. Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and this Act and not conforming with the land use plan of the LGU;
15. The construction of any establishment within 200 meters from open dumps or controlled dumps, or sanitary landfills; and
16. The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir, or watershed area and or any portions thereof.

SEC. 49. Fines and Penalties.

- a. Any person who violates Section 48 paragraph (1) shall, upon conviction, be punished with a fine of not less than Three Hundred Pesos (P300) but not more than One Thousand Pesos (P1,000) or render community service for not less than one day to not more than 15 days to an LGU where such prohibited acts are committed, or both;
- b. Any person who violates Section 48, paragraphs (2) and (3), shall, upon conviction be punished with a fine of not less than Three Hundred Pesos (P300) but not more than One Thousand Pesos (P1,000) or imprisonment of not less than one day to not more than 15 days, or both;
- c. Any person who violates Section 48, paragraphs (4), (5), (6) and (7) shall, upon conviction, be punished with a fine of not less than One Thousand Pesos (P1,000) but not more than Three Thousand Pesos (P3,000) or imprisonment of not less than 15 days but not more than six months, or both;
- d. Any person who violates Section 48, paragraphs (8), (9), (10) and (11) for the first time shall, upon conviction, pay a fine of Five Hundred Thousand Pesos (P500,000) plus and amount not less than 5 percent but not more than 10 percent of his net annual income during the previous year.

The additional penalty of imprisonment of a minimum period of one year, but not to exceed three years at the discretion of the court, shall be imposed for second or subsequent violations of Section 48, paragraphs (9) and (10).

- e. Any person who violates Section 48, paragraphs (12) and (13) shall, upon conviction, be punished with a fine not less than Ten Thousand Pesos (P10,000) but not more than Two Hundred Thousand Pesos (P200,000) or imprisonment of not less than 30 days but not more than three years, or both;

- f. Any person who violates Section 48, paragraphs (14), (15) and (16) shall, upon conviction, be punished with a fine not less than One Hundred Thousand Pesos (P100,000) but not more than One Million Pesos (P1 million), or imprisonment not less than one year but not more than six years, or both.

If the offense is committed by a corporation, partnership, or other juridical identity duly recognized in accordance with the law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense penalized under this Act.

If the offender is an alien, he shall, after service of the sentence prescribed above, be deported without further administrative proceedings.

The fines herein prescribed shall be increased by at least 10 percent every three years to compensate for inflation and to maintain the deterrent function of such fines.

SEC. 50. Administrative Sanctions. – Local government officials and officials of government agencies concerned who fail to comply with and enforce rules and regulations promulgated relative to this Act shall be charged administratively in accordance with RA No. 7160 and other existing laws, rules and regulations.

CHAPTER VII MISCELLANEOUS PROVISIONS

SECTION 51. Mandatory Public Hearings. – Mandatory public hearings for national framework and local government solid waste management plans shall be undertaken by the Commission and the respective Boards in accordance with process to be formulated in the implementing rules and regulations.

SEC. 52. Citizen Suits. – For the purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

- a. Any person who violates or fails to comply with the provisions of this Act or its implementing rules and regulations; or
- b. The Department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and/or
- c. Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duty; or, in any many improperly performs his duties under this Act or its implementing rules and regulations: *Provided, however,* That no suit can be filed until after 30-day notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The Court shall exempt such action from the payment of filing fees and shall, likewise, upon *prima facie* showing of the non-enforcement or violation complained of, exempt the plaintiff from the filing of an injunction bond for the issuance of preliminary injunction.

In the event that the citizen should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

SEC. 53. Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act. – Where a suit is brought against a person who filed an action as provided in Section 52 of this

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Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the Court, as the case may be, to immediately make a determination not exceeding 30 days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the Court shall dismiss the case and award the attorney's fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

SEC. 54. *Research on Solid Waste Management.* – The Department after consultations with the cooperating agencies, shall encourage, cooperate with, and render financial and other assistance to appropriate government agencies and private agencies, institutions and individuals in the conduct and promotion researches, experiments, and other studies on solid waste management, particularly those relating to:

- a. adverse health effects of the release into the environment of materials present in solid wastes, and methods to eliminate said effects;
- b. the operation and financing of solid waste disposal programs;
- c. the planning, implementation and operation of resource recovery and resource conservation systems;
- d. the production of usable forms of recovered resources, including fuel from solid waste;
- e. the development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering materials and energy from solid waste;
- f. improvements in land disposal practices for solid waste (including sludge); and
- g. development of new uses of recovered resources and identification of existing or potential markets of recovered resources.

In carrying out solid waste researches and studies, the Secretary of the Department or the authorized representative may make grants or enter into contracts with government agencies, non-government organizations and private persons.

SEC. 55. *Public Education and Information.* – The Commission shall, in coordination with DECS, TESDA, CHED, DILG and PIA, conduct a continuing education and information campaign on solid waste management. Such education and information program shall:

- a. Aim to develop public awareness of the ill-effects of and the community based solutions to the solid waste problem;
- b. Concentrate on activities which are feasible and which will have the greatest impact on the solid waste problem of the country, like resource conservation and recovery, recycling, segregation at source, re-use, reduction, and composting of solid waste; and
- c. Encourage the general public, accredited NGOs and people's organizations to publicly endorse and patronize environmentally acceptable products and packaging materials.

SEC. 56. *Environmental Education in the Formal and Non-formal Sectors.* – The national government, through the DECS and in coordination with concerned government agencies, NGOs and private institutions, shall strengthen the integration of environmental concerns in school curricula at all levels,

with particular emphasis on the theory and practice of waste management principles like waste minimization, specifically resource conservation and recovery, segregation at source, reduction, recycling, re-use and composting, in order to promote environmental awareness and action among the citizenry.

SEC. 57. *Business and Industry Role.* – The Commission shall encourage commercial and industrial establishments, through appropriate incentives other than tax incentives, to initiate, participate and invest in integrated ecological solid waste management projects to manufacture environment-friendly products, to introduce develop and adopt innovative processes that shall recycle and re-use materials, conserve raw materials and energy, reduce waste, and prevent pollution, and to undertake community activities to promote and propagate effective solid waste management practices.

SEC. 58. *Appropriations.* – For the initial operating expenses of the Commission and the National Ecology Center as well as the expenses of the local government units to carry out the mandate of this Act, the amount of Twenty Million Pesos (P20 million) is hereby appropriated from the Organizational Adjustment Fund on the year this Act is approved. Thereafter, it shall submit to the Department of Budget and Management its proposed budget for inclusion in the General Appropriations Act.

SEC. 59. *Implementing Rules and Regulations (IRR).* – The Department, in coordination with the Committees on Environment and Ecology of the Senate and House of Representative, respectively, the representatives of the Leagues of Provinces, Cities, Municipalities and *Barangay* Councils, the MMDA and other concerned agencies, shall promulgate the implementing rules and regulations of this Act, within one year after its enactment: *Provided*, That rules and regulations issued by other government agencies and instrumentalities for the prevention and/or abatement of the solid waste management problem not inconsistent with this Act shall supplement the rules and regulations issued by the Department, pursuant to the provisions of this Act.

The draft of the IRR shall be published and be the subject of public consultations with affected sectors. It shall be submitted to the Committee on Environment and Ecology of the Senate and House of Representatives, respectively, for review before approval by the Secretary.

SEC. 60. *Joint Congressional Oversight Committee.* – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of the Act and to oversee the functions of the Commission. The Committee shall be composed of five Senators and five Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by a Senator and a Representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

SEC. 61. *Abolition of the Presidential Task Force on Waste Management and the Project Management Office on Solid Waste Management.* – The Presidential Task Force on Waste Management which was created by virtue of Memorandum Circular No. 39 dated November 2, 1987, as amended by Memorandum Circular No. 39A and 88 is hereby abolished. Further, pursuant to Administrative Order No. 90 dated October 19, 1992, the Project Management Office on Solid Waste Management is likewise hereby abolished. Consequently their powers and functions shall be absorbed by the Commission pursuant to the provisions of this Act.

SEC. 62. *Transitory Provision.* – Pending the establishment of the framework under Section 15 hereof, plans under Section 16 and promulgation of the IRR under Section 59 of this Act, existing laws, regulations, programs and projects on solid waste management shall be enforced: *Provided*, That for

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specific undertaking, the same may be revised in the interim in accordance with the intentions of this Act.

SEC. 63. Report to Congress. – The Commission shall report to Congress, not later than March 30 of every year following the approval of this Act, giving a detailed account of its accomplishments and progress on solid waste management during the year and make the necessary recommendations in areas where there is need for legislative action.

SEC. 64. Separability Clause. – If any provision of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SEC. 65. Repealing Clause. – All laws, decrees, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 66. Effectivity. – This Act shall take effect 15 days after its publication in at least two newspapers of general circulation.

Approved: January 26, 2001.

REPUBLIC ACT No. 9072
NATIONAL CAVES AND CAVE RESOURCES MANAGEMENT AND PROTECTION ACT
AN ACT TO MANAGE AND PROTECT CAVES AND CAVE RESOURCES AND FOR OTHER PURPOSES

SECTION 1. Title. – This Act shall be known as the “*National Caves and Cave Resources Management and Protection Act.*”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to conserve, protect and manage caves and cave resources as part of the country’s natural wealth. Towards this end, the State shall strengthen cooperation and exchange of information between governmental authorities and people who utilize caves and cave resources for scientific, educational, recreational, tourism and other purposes.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

- (a) *Cave* means any naturally occurring void, cavity, recess or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit an individual to enter, whether or not the entrance, located either in private or public land, is naturally formed or man-made. It shall include any natural pit, sinkhole or other feature which is an extension of the entrance. The term also includes cave resources therein, but not any vug, mine tunnel, aqueduct or other man-made excavation.
- (b) *Cave resources* includes any material or substance occurring naturally in caves, such as animal life, plant life, including paleontological and archaeological deposits, cultural artifacts or products of human activities, sediments, minerals, speleogems and speleothems.
- (c) *Secretary* means the Secretary of the Department of Environment and Natural Resources (DENR).
- (d) *Speleogem* means relief features on the walls, ceilings and floor of any cave or lava tube which are part of the surrounding bedrock, including but not limited to anastomoses, scallops, meander niches, petromorphs and rock pendants in solution caves and similar features unique to volcanic caves.
- (e) *Speleothem* means any natural mineral formation or deposit occurring in a cave or lava tube, including but not limited to any stalactite, stalagmite, helictite, cave flower, flowstone, concretion, drapery, rimstone or formation of clay or mud.
- (f) *Significant Cave* refers to a cave which contains materials or possesses features that have archaeological, cultural, ecological, historical or scientific value as determined by the DENR in coordination with the scientific community and the academe.

SEC. 4. Implementing Agency. – The DENR shall be the lead agency tasked to implement the provisions of this Act in coordination with the Department of Tourism (DOT), the National Museum, the National Historical Institute and concerned local government units (LGUs) for specific caves, except that in the Province of Palawan, the Palawan Council for Sustainable Development shall be the lead implementing agency pursuant to Republic Act No. 7611 or the Strategic Environmental Plan for Palawan Act.

SEC. 5. Powers and Functions of the Department of Environment and Natural Resources – In the implementation of this Act, the DENR shall exercise the following powers and functions:

- (a) Formulate, develop and implement a national program for the management, protection and conservation of caves and cave resources;

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- (b) Disseminate information and conduct educational campaign on the need to conserve, protect and manage our caves and cave resources;
- (c) Issue permits for the collection and removal of guano and other cave resources which shall be determined in coordination with the DOT, National Museum, concerned LGUs, the scientific community and the academe, with regard to specific caves taking into consideration biodiversity as well as the aesthetic and archaeological value of the cave: *Provided*, that the permittee shall be required to post a bond to ensure compliance with the provisions of any permit: *Provided, further*, That any permit issued under this Section shall be revoked by the Secretary when the permittee violates any provision of this Act or fails to comply with any other condition upon which the permit was issued: *Provided furthermore*, That the Secretary cannot issue permits for the removal of stalactites and stalagmites, and when it is established that the removal of the resources will adversely affect the value of a significant cave: *Provided, finally*, That caves located within a protected area shall be subjected to the provisions of Republic Act No. 7586 or the National Integrated Protected Area System Act of 1992;
- (d) Call on any local government unit, bureau, agency, state university or college and other instrumentalities of the government for assistance as the need arises in the discharge of its functions;
- (e) Enter into a memorandum of agreement with any local government unit for the preservation, development and management of cave or caves located in their respective territorial jurisdiction;
- (f) Tap the cooperation of people's and non-government organizations as active partners in the conservation and protection of our caves and cave resources; and
- (g) Exercise other powers and perform other functions as may be necessary to implement the provisions of this Act.

Sec. 6. Information Concerning the Nature and Location of Significant Caves. – Information concerning the nature and specific location of a potentially significant cave shall not be made available to the public within one year after its discovery by the DENR, during which time the DENR in coordination with the DOT, the National Museum, the National Historical Institute, concerned LGUs the scientific community and the academe shall assess its archaeological, cultural, ecological, historical and scientific value, unless a written request is made and the Secretary determines that disclosure of such information will further the purpose of this Act and will not create a substantial risk of harm, theft or destruction on such cave.

The written request shall contain, among others, the following:

- (a) a description of the geographic site for which the information is sought;
- (b) an explanation of the purpose for which the information is sought;
- (c) an assurance or undertaking satisfactory to the Secretary that adequate measures are to be taken to protect the confidentiality of such information and to ensure the protection of the cave from destruction by vandalism and unauthorized use.

Sec. 7. Prohibited Acts. – The following shall be considered prohibited acts:

- (a) Knowingly destroying, disturbing, defacing, marring, altering, removing, or harming the speleogem or speleothem of any cave or altering the free movement of any animal or plant life into or out of any cave;
- (b) Gathering, collecting, possessing, consuming, selling, bartering or exchanging or offering for sale without authority any cave resource; and

(c) Counselling, procuring, soliciting or employing any other person to violate any provisions of this Section.

SEC. 8. Penalties. – Any person found guilty of any of the offenses enumerated under Section 7 hereof shall be punished by imprisonment from two years to six years or a fine ranging from Twenty Thousand Pesos (P20,000) to Five Hundred Thousand Pesos (P500,000) or both at the discretion of the Court: *Provided*, That the person furnishing the capital to accomplish the acts punishable herein shall be punished by imprisonment from six years and one day to eight years or by a fine ranging from Five Hundred Thousand Pesos (P500,000) to One Million Pesos (P1,000,000) or both at the Discretion of the Court: *Provided, further*, That if the area requires rehabilitation or restoration as determined by the Court, the offender shall also be required to restore the same, whenever practicable or compensate for the damage: *Provided, finally*, That if the offender is a government employee, he or she shall likewise be removed from office.

SEC. 9. Administrative Confiscation and Conveyance. – The Secretary shall order the confiscation, in favor of the government, of the cave resources gathered, collected, removed, possessed or sold including the conveyance and equipment used in violation of Section 7 hereof.

SEC. 10. Fees. – Any money collected by the DENR as permit fees for collection and removal of cave resources, as a result of the forfeiture of a bond or other security by a permittee who does not comply with the requirements of such permit issued under this Act or by way of fines for violations of this Act shall be remitted to the National Treasury.

SEC. 11. Implementing Rules and Regulations. – The DENR shall, within six months from the effectivity of this Act, issue rules and regulations necessary to implement the provisions hereof.

SEC. 12. Appropriations. – The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 13. Separability Clause. – If any provision of this Act is subsequently declared unconstitutional, the remaining provisions shall remain in full force and effect.

SEC. 14. Repealing Clause. – Presidential Decree No. 1726-A is hereby modified. Treasure hunting in caves shall be governed by the provisions of this Act.

Except Presidential Decree No. 412 and Republic Act No. 4846, all other laws, decrees, orders and regulations, or parts thereof, which are inconsistent with any of the provisions of this Act are hereby repealed or amended accordingly.

SEC. 15. Effectivity. – This Act shall take effect 15 days following its publication in two national newspapers of general circulation.

Approved: April 8, 2001.

REPUBLIC ACT No. 9106
AN ACT FOR THE ESTABLISHMENT AND MANAGEMENT OF SAGAY MARINE RESERVE,
DEFINING ITS SCOPE COVERAGE, AND FOR OTHER PURPOSES

SECTION 1. Title. – This Act shall be known and cited as the “*Sagay Marine Reserve Law.*”

SEC. 2. Establishment. – There is hereby established as part of the National Integrated Protected Areas System (NIPAS) under Republic Act No. 7586 protected landscapes and seascapes in the City of Sagay, Province of Negros Occidental to be known as the Sagay Marine Reserve, hereinafter referred to as Reserve.

SEC. 3. Scope. – The Reserve shall be located at 11°0’59”N and 123°29’E comprising the islands of Molocaboc, Molocaboc Diut, Matabas and Suyac, and their surrounding reefs as well as the reefs of Carbin, Macahulom and Panal, and the coastal waters of barangays Himoga-an Baybay, Old Sagay, Tabao, Bulanon, Molocaboc and Vito, all in the City of Sagay, Province of Negros Occidental. More particularly, the Reserve shall have the following technical description:

Northing	Easting
10°57’28”	123°21’42”
11°07’35”	123°26’37”
11°06’55”	123°28’13”
10°56’39”	123°36’50”
10°54’23”	123°30’45”
10°56’16”	123°30’37”
10°56’26”	123°30’4”
10°56’7”	123°28’59”
10°55’19”	123°28’11”
10°56’11”	123°26’52”
10°57’28”	123°24’19”
10°56’37”	123°23’35”
10°57’30”	123°23’16”
10°57’41”	123°22’14”

containing an area of 32,000 hectares, more or less.

Within six months from the effectivity of this Act, the Department of Environment and Natural Resources (DENR) shall mark the boundaries of the Reserve on the ground and at sea with visible and permanent markers and shall thereafter see to it that the same are maintained.

Sec. 4. Definition of Terms. – For purposes of this Act, the following terms are defined as follows:

- (a) *Buffer zones* are identified areas outside the boundaries of and immediately adjacent to the Reserve that need special development and control in order to avoid or minimize harm to the Reserve.

- (b) *Ecotourism* is a kind of tourism wherein no damage to the ecology is sustained by the influx of visitors to the Reserve.
- (c) *Fish production* refers to the capacity of the species found within the Reserve to multiply to achieve a certain density of fish population.
- (d) *Management plan* is the plan described in Section 8(1) thereof.
- (e) *Management manual* is the manual relating to the management of the Reserve described in Section 8(2) thereof.
- (f) *Maximum sustainable yield* is the greatest amount of fish and fish products taken or harvested from within the Reserve without affecting sustainability.
- (g) *Multiple-use zones* shall refer to areas where settlement, traditional or sustainable activities and other income-generating or livelihood activities may be allowed to the extent prescribed in the management plan.
- (h) *Secretary* shall refer to the Secretary of the Department of Environment and Natural Resources.
- (i) *Small fisherfolk inhabitant* shall refer to any person who has actually and continuously lived within the Reserve for a period of five years before the passage of this Act and is solely dependent on fishing for sustenance and livelihood.

Sec. 5. The Protected Area Management Board for Sagay Marine Reserve. – There is hereby created a Protected Area Management Board for Sagay Marine Reserve (PAMB-SMR) which shall be the sole policy-making and permit-granting body of the Reserve and its buffer zones.

In addition to the powers enumerated in Republic Act No. 7586, the PAMB-SMR shall decide by a majority vote and shall have the following powers and functions:

- (a) Formulate the management plan and management manual of the Reserve;
- (b) Decide matters relating to planning, peripheral protection and general administration of the Reserve in accordance with the management plan;
- (c) Plan the proper utilization of the annual budget allocations and the proper disposition of fees and other funds generated or held by the Reserve;
- (d) Control and supervise the office of the Sagay Marine Reserve Superintendent (SMRSu);
- (e) Delineate and demarcate management zones such as strict protection zones, multiple-use and buffer zones;
- (f) Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development consistent with the management manual;
- (g) Control and regulate the construction, operation and maintenance of buildings, roads, trails, waterworks, sewerage, fire protection and sanitation systems, and other public utilities within the Reserve;
- (h) Fix prescribed fees to be collected from the government agencies or any person, firm or corporation deriving benefits from the Reserve and exact administrative fees or fines for violation of the provisions of this Act;
- (i) Grant entry permits to ecotourists, campers, research groups or individuals and visitors;
- (j) Grant permits for sustainable utilization of marine resources in accordance with existing rules and

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regulations governing the same;

- (k) Enter into contracts and agreements with private entities or public agencies as may be necessary to carry out the purposes of this Act;
- (l) Accepts funds, gifts or donations for the Reserve;
- (m) Call on any agency or instrumentality of the government as well as academic institutions, non-government organizations and other sectors as may be necessary to accomplish the objectives of this Act.
- (n) Conduct studies on various characteristics, features and conditions of the Reserve;
- (o) Adopt and enforce plans or schemes for the control of activities that may threaten the ecological balance of the Reserve in consultation with the local government units in the area and other government agencies and instrumentality;
- (p) Retain legal counsel to defend cases against the PAMB-SMR and the office of the Marine Reserve Superintendent whenever they are sued in connection with the performance of their duties under this Act. The DENR, through the Regional Executive Director, shall ensure that the PAMB-SMR acts within the scope of its powers and functions. In case of conflict between administrative orders issued by the DENR pursuant to Republic Act No. 7586 and the resolutions issued by the PAMB-SMR, the secretary shall decide whether to apply the rule or withdraw its application from the Reserve.

SEC. 6. Composition. – The PAMB-SMR shall be composed of the following:

- (a) The regional executive director of the DENR Region VI, as *ex officio* chairperson;
- (b) The mayor of the City of Sagay, as *ex officio* co-chairperson;
- (c) The chairman of the Committee on Natural Resources of the Sangguniang Panlungsod of Sagay, as *ex officio* member;
- (d) The chief of police of Sagay City, as *ex officio* member;
- (e) The punong barangays of Himoga-an Baybay, Old Sagay, Taba-ao, Bulanon, Vito and Molocaboc, all of Sagay City, Negros Occidental, as *ex officio* members;
- (f) The city planning and development officer of Sagay City, as *ex officio* member;
- (g) Five representatives from non-government organizations, as members, who shall be endorsed by heads of organizations which are based in the City of Sagay, Negros Occidental, and have established and recognized interest in protected areas. These representatives shall include two representatives from fisherfolk organizations, one representative from duly registered commercial fishing associations, one representative from the youth sector and one representative from the civic-oriented organizations;
- (h) A representative of Sagay Ecumenical Council, as member;
- (i) A representative of the Department of Agriculture (DA) appointed by the Secretary of Agriculture, as member; and
- (j) The Reserve Superintendent (hereinafter provided), as member.

The members shall choose from among themselves the vice chairperson of the PAMB-SMR. The non-ex officio members of the PAMB-SMR shall serve for a term of five years. The two co-chairpersons, the vice chairperson, and the members shall not receive compensation but shall be entitled to reasonable per diem incurred in the performance of their duties in accordance with

existing budgeting and auditing rules and regulations.

SEC. 7. Removal from Office. – A PAMB member may be removed for cause and upon majority vote on the following grounds:

- a) More than three consecutive unexcused absences in regular PAMB *en banc* meetings;
- b) Commission of any of the prohibited acts as provided in this Act, the Republic Act No. 7586 or other rules and regulations governing protected areas and protected species;
- c) Graft and corruption; and
- d) Conviction of any criminal offense.

The non-ex officio members of the PAMB-SMR shall serve for a term of five years. The two co-chairpersons, the vice chairperson, and the members shall not receive compensation but shall be entitled to reasonable per diem incurred in the performance of their duties in accordance with existing budgeting and auditing rules and regulations.

SEC. 8. Management Plan and Manual. – Within one year from the effectivity of this Act, a management manual which contains the Marine Reserve Management Plan and supporting data shall be prepared in accordance with the General Management Planning Strategy as provided in Republic Act No. 7586. The management plan shall serve as the basic long-term framework plan in the management of the marine reserve and guide in the preparation of the annual operations plan and budget. The management manual shall be drafted with the assistance of experts in such fields as socioeconomic planning, ecology and marine reserve management, reviewed and endorsed by the PAMB-SMR, and approved by the Secretary.

- (1) The management plan shall promote the adoption and implementation of innovative management techniques, including:
 - (a) buffer zone management;
 - (b) habitat conservation and rehabilitation;
 - (c) diversity management;
 - (d) community organizing;
 - (e) socioeconomic and scientific researches;
 - (f) site-specific policy development;
 - (g) pest management; and
 - (h) others which the PAMB-SMR may deem appropriate.
- (2) The management manual shall include:
 - (a) basic background information;
 - (b) field inventory of the resources within the Reserve;
 - (c) assessment of the assets and limitations;
 - (d) regional interrelationships;
 - (e) particular objectives for managing the Reserve;
 - (f) divisions of the Reserve into management zones;
 - (g) review of the boundaries of the Reserve; and

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- (h) design and management programs.

The management plan shall be reviewed and updated on a regular basis, at least once every three years. However, in cases where significant physical development occur within the Reserve or critical resources constraints prevent implementation of important programs or projects, the management plan or some components thereof may be revised or modified. Any modification or revision of the management plan shall be approved by a majority of PAMB-SMR members.

SEC. 9. *Sagay Marine Reserve Office.* – There is hereby created the Sagay Marine Reserve Office headed by the Sagay Marine Reserve Superintendent, hereinafter referred to as the Reserve Superintendent, who shall be the chief operations officer of the Reserve.

SEC. 10. *Powers and Functions of the Reserve Superintendent.* – The Reserve Superintendent shall have full responsibility for the protection of the resources within the Reserve. As such, he/she shall have the following duties and responsibilities in addition to those provided under existing rules and regulations:

- (a) Serve as secretariat to the PAMB-SMR with the duty to provide the PAMB-SMR with all the information necessary to make appropriate decisions for the implementation of this Act;
- (b) Hire and supervise the necessary personnel to support operations as the budget may allow;
- (c) Establish a productive partnership with local communities, including groups supporting the achievement of the goals and objectives of this Act;
- (d) Develop and implement marine reserve information, education and visitor programs;
- (e) Enforce the laws, rules and regulations and PAMB-SMR resolutions relevant to the Reserve and its buffer zones, and assist in the prosecution of offenses;
- (f) Monitor all activities within the Reserve and its buffer zones in conformity with the management plan; and
- (g) Perform such other function as the PAMB-SMR may assign.

SEC. 11. *Small Fisherfolk Inhabitants.* – Small fisherfolk inhabitants shall be allowed to fish within the Reserve subject to the rules and regulations promulgated by the PAMB-SMR.

SEC. 12. *Other Activities within the Reserve.* – Proposals for activities which are outside the scope of the management plan shall be subject to an Environmental Impact Assessment (EIA) as required by existing laws, rules and regulations. Results thereof shall be taken into consideration in the decision-making process of the PAMB-SMR. No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippine Environmental Impact Assessment System and PAMB-SMR approval. For purposes of this Act, the following are provided:

- (a) *Existing Infrastructure.* – Existing infrastructure established within the Reserve by government and non-government institutions shall be subject to inventory and evaluation as to whether it conforms to the management plan and assessed in terms of their significance to the public interest and impact to the Reserve. In case they are found significant to public interest, but with no adverse impact to the Reserve, a contract or agreement may be entered into by the PAMB-SMR including negotiations of payment fees based on profit-sharing agreement in accordance with law: *Provided*, that infrastructure which do not conform to the management plan shall not be allowed to be repaired, renovated or improved until they are naturally destroyed and vacated. Repairs, renovation

and improvement of the existing infrastructure allowed by the PAMB-SMR within the Reserve shall be in conformity with the management plan and duly approved by the PAMB-SMR.

- (b) *Special-Use Infrastructure.* – Special-use infrastructure such as power lines, telecommunications equipment and military installations may be allowed in the Reserve if they conform to the management plan: *Provided*, That construction of these special-use infrastructures shall be subject to EIA and the issuance of ECC by the DENR and approval of the PAMB-SMR: *Provided, further*, that power lines and telecommunications equipment must not traverse through strict-protection zones and preferably be constructed within the multiple-use zones only. Military installations shall not be constructed of permanent materials and must be covered by a memorandum of agreement with the PAMB-SMR providing for regulation of facilities.
- (c) *Livelihood and Other Economic Activities.* – Except as otherwise provided herein, only small fisherfolk inhabitants shall be allowed within the multiple-use or buffer zones of the Reserve to engage in livelihood and economic activities, in conformity with the management plan and subject to the terms and conditions imposed by the PAMB-SMR. The PAMB-SMR, upon recommendation of the Reserve Superintendent, when findings show that fish production exceeds the maximum sustainable yield, may open certain portions of the multiple-use zones and buffer zones to economic activities which shall be in accordance with the management plan and in all cases use ecologically sustainable methods.
- (d) *Energy and Mineral Use.* – Survey for energy and mineral resources within the Reserve shall be allowed for the purpose of gathering information on energy and mineral resources: *Provided*, That such activity is carried out without damage to the area and conducted in accordance with a program approved by the PAMB-SMR. The result of such surveys shall be made available to the public. The PAMB-SMR shall submit such energy and mineral survey findings to the President for recommendation to Congress. Any exploitation and utilization of energy and mineral resources within the Reserve shall be allowed only following approval of the PAMB-SMR, compliance with the EIA System and other applicable laws, rules and regulations and through a law passed by Congress.
- (e) *Special Activities.* – All other activities such as ecotourism and related activities, scientific research, marine life rescue by other agencies, government programs affecting the Reserve, and military activities shall be properly coordinated with and approved by the PAMB-SMR.

SEC. 13. Reserve Trust Fund. – A trust fund shall be created for the Reserve for purposes of financing projects and activities provided in the Management Plan. For this purpose, the PAMB-SMR may solicit and receive donations, endowments and grants in the form of contributions: *Provided*, that donations generated by the PAMB-SMR shall accrue to the Reserve for its use. A minimum of 5 percent of the total amount shall be remitted to the Integrated Protected Areas Fund of the DENR. Disbursement from the Reserve trust fund shall be made solely for the protection, maintenance, administration and management of the Reserve, and duly approved projects by the PAMB-SMR in accordance with the guidelines developed by the PAMB-SMR for the purpose. All incomes generated within the Reserve shall accrue to the trust fund and may be utilized directly by the PAMB-SMR for the above purpose. These incomes shall be derived from taxes from the permitted sale and export of flora and fauna and other resources of the Reserve; proceeds from the lease of multiple-use or buffer zone areas; contribution from industries and facilities directly benefiting from the Reserve; and such other fees and incomes derived from the operation of the Reserve.

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SEC. 14. *Prohibited Acts.* – The following acts are prohibited within the Reserve:

- (a) Hunting, destroying, disturbing or mere possession of any marine resources or products derived therefrom without a permit from the PAMB-SMR;
- (b) Dumping or otherwise disposing of any waste products detrimental to the Reserve or to plants, animals or inhabitants therein;
- (c) Use of any motorized equipment without a permit;
- (d) Mutilating, defacing or destroying objects of natural beauty or ecological importance found within the Reserve;
- (e) Mineral or energy exploration or any entry into the Reserve which has a tendency to damage its ecological balance;
- (f) Constructing or maintaining any kind of structure, fence or enclosures and conducting any business enterprise without a permit;
- (g) Altering, removing, destroying or defacing boundary marks or buoys; and
- (h) Performing any other act analogous to the foregoing: *Provided*, That the establishment of submarine electric power transmission cables, submarine water pipelines, submarine telecommunication wires, and ports and wharves shall not be prohibited notwithstanding the provisions of this Act.

SEC. 15. *Penalties.* – Any person found guilty of any of the offenses enumerated above shall be punished with fine in an amount not less than Five Thousand Pesos (P5,000) but not more than Five Hundred Thousand Pesos (P500,000), exclusive of the value of the things damaged, or imprisonment of not less than one year and not more than six years, or both, as determined by the court. Prohibited acts mentioned in paragraph (a) of Section 14 of this Act shall be punished with penalties imposed under Articles 309 and 310 of the Revised Penal Code. If the Reserve requires rehabilitation and restoration as determined by the court, the offender shall be required to restore or compensate for the restoration of the damage. The court shall order the forfeiture of all mineral, flora or fauna collected or removed, including all equipment, devices and firearms used in connection therewith, and any construction or improvements made thereon by the offender. If the offender is an association or corporation, the president or manager shall be responsible for the act of his/her employees and laborers.

SEC. 16. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 17. *Transitory Provision.* – 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.

SEC. 18. *Separability Clause.* – If any part of this Act shall be declared unconstitutional, such declaration shall not affect the other parts or Sections hereof.

SEC. 19. *Repealing Clause.* – All laws, presidential decrees, executive orders, and rules and regulations inconsistent with the provisions of this Act shall be deemed repealed or modified accordingly.

SEC. 20. *Effectivity.* – This Act shall take effect 15 days after its complete publication in two newspapers of general circulation.

Approved: April 14, 2001.

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.

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- (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 a 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, musks, 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) *Non-government 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 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

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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"

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26	122 - 03'06"	17 - 12'39"
27	122 - 03'12"	17 - 10'52"
28	122 - 04'55"	17 - 09'33"
29	122 - 06'56"	17 - 10'21"
30	122 - 07'17"	17 - 08'19"
31	122 - 07'43"	17 - 06'05"
32	122 - 09'04"	17 - 04'46"
33	122 - 09'21"	17 - 02'40"
34	122 - 09'19"	17 - 00'39"
35	122 - 09'19"	16 - 59'27"
36	122 - 10'39"	16 - 59'18"
37	122 - 12'11"	16 - 58'25"
38	122 - 12'06"	16 - 56'09"
39	122 - 12'37"	16 - 54'20"
40	122 - 11'10"	16 - 52'49"
41	122 - 11'40"	16 - 21'28"
42	122 - 12'52"	16 - 49'5"
43	122 - 11'21"	16 - 48'16"
44	122 - 10'53"	16 - 46'29"
45	122 - 10'47"	16 - 44'17"
46	122 - 11'55"	16 - 42'19"
47	122 - 12'34"	16 - 40'26"
48	122 - 12'44"	16 - 37'56"
49	122 - 14'41"	16 - 38'37"
50	122 - 16'19"	16 - 39'36"
51	122 - 17'26"	16 - 38'50"
52	122 - 19'42"	16 - 38'54"
53	122 - 21'09"	16 - 39'21"
54	122 - 23'58"	16 - 39'21"
55	122 - 25'18"	16 - 41'27"
56	122 - 26'45"	16 - 43'40"
57	122 - 28'03"	16 - 45'53"
58	122 - 28'51"	16 - 48'21"
59	122 - 29'49"	16 - 50'46"

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60	122 - 30'20"	16 - 53'18"
61	122 - 31'11"	16 - 55'45"
62	122 - 30'59"	16 - 58'24"
63	122 - 32'40"	16 - 59'59"
64	122 - 33'47"	17 - 02'21"
65	122 - 34'16"	17 - 04'44"
66	122 - 33'59"	17 - 07'10"
67	122 - 32'58"	17 - 09'29"
68	122 - 30'55"	17 - 10'58"
69	122 - 28'24"	17 - 10'03"
70	122 - 28'11"	17 - 11'60"
71	122 - 29'13"	17 - 14'23"
72	122 - 28'60"	17 - 17'03"
73	122 - 27'55"	17 - 19'24"
74	122 - 26'33"	17 - 21'28"
75	122 - 24'29"	17 - 23'15"
76	122 - 21'57"	17 - 24'14"
77	122 - 19'33"	17 - 23'01"
78	122 - 17'39"	17 - 24'36"
79	122 - 16'22"	17 - 26'51"
80	122 - 14'57"	17 - 29'06"
81	122 - 14'35"	17 - 31'44"

containing an approximate land area of 287,861 hectares and coastline water area of 71,625 hectares.

All existing land-use and resource-use permits within the NSMNP and its buffer zones, as provided herein, shall be reviewed and shall not be renewed upon their expiration unless consistent with the management plan as provided herein and upon approval 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 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

SECTION 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 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 25 years subject to periodic review every three 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 other conspicuous areas

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frequented by the public. The successor plan to the management plan shall be made available for public perusal at the office and suboffices 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

SECTION 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 therefor;

- (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 therefor;
- (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 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 representative from the sangguniang kabataan to be chosen from among the chairpersons of each of the municipalities within the NSMNP;
- (g) Three representatives from NGOs operating within the NSMNP, chosen from among themselves;
- (h) Four representatives from POs from within the NSMNP, chosen from among themselves;
- (i) Twelve ICC/IP representatives, eight directly from the coastal or eastern municipalities comprised of three ICC/IP representatives from Palanan, two each from Maconacon and Divilacan, and one from Dinapigue; and four from the western municipalities of San Mariano, Ilagan, Tumauni, Cabagan and San Pablo, chosen directly from among the ICCs/IPs; and
- (j) One representative from the women's sector to be chosen from among the accredited women's organizations.

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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 of the NGO representatives as vice chair;
- (c) One of the ICC/IP representatives;
- (d) One of the PO representatives;
- (e) The representative from the women’s sector;
- (f) One mayor from the eastern municipalities and one mayor from the western municipalities; or their respective representatives; and
- (g) One 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 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 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, suboffices 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;
- (b) Serve as secretariat to the PAMB with the duty to provide the PAMB with all the information necessary to make appropriate decisions for the implementation of this Act;
- (c) Hire and supervise the necessary personnel to support operations as the budget may allow;
- (d) Establish a productive partnership with local communities, including groups supporting the achievement of the goals and objectives of this Act;
- (e) Develop and implement park information, education and visitor programs;
- (f) Enforce the laws, rules and regulations and PAMB resolutions relevant to the protected area and its buffer zones, and assist in the prosecution of offenses;
- (g) Monitor all activities within the NSMNP and its buffer zones in conformity with the management plan; and
- (h) Perform such other functions as the PAMB may assign.

ARTICLE IV

ANCESTRAL LANDS AND DOMAINS AND TENURED MIGRANTS

SECTION 16. *Ancestral Lands and Domains.* – The rights of ICCs/IPs in the NSMNP to their lands and domains shall be fully recognized. 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 the ancestral lands and domains traditionally used by them.

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 NSMNP and its resources. Nothing herein shall be construed to impair or diminish prior and existing rights currently enjoyed by the IPs/ICCs as provided by existing laws.

SEC. 17. *Tenured Migrants.* – Whenever practicable, tenured migrant communities of more than five households occupying contiguous lots shall be provided tenurial rights over their current habitation sites. However, if despite the foregoing, these areas are subsequently identified as crucial for conservation, tenured migrants shall, after due consultation, be offered alternative sites within the appropriate zones or buffer zones with preference over non-tenured migrants: *Provided,* That provisions for their transfer shall be undertaken using humanitarian considerations including payment of compensation, providing tenure to alternative land and facilities of equivalent standard, and other measures to reach agreement with the affected tenured migrants.

In all other cases, the grant of tenurial rights must take into account the need to promote clustering and to avoid unnecessary displacement. In areas where tenurial instruments are granted, appropriate use zones shall be established for the purpose of maintaining non-commercial livelihood activities.

Lands used as homelots or farmlots shall preferably be held by individual household. Lands currently used on a communal basis shall not be held individually.

Tenurial instruments shall not be issued solely on the basis of tax declaration receipts but must be supported by indisputable evidence of permanent land-use from five years before March 10, 1997, such as:

- (a) Cultivated trees at their fruit-bearing stage;

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- (b) Physical structures in the area indicating prolonged occupancy;
- (c) Certification from the barangay captain or any two respected members of the nearest community attesting to occupancy; and
- (d) Other relevant data (e.g. previous census reports) that may be accepted by the PAMB.

Existing land title instruments shall be reviewed by the PASu and endorsed by the PAMB to the DENR regional office for validation or reversion.

All persons who fail to qualify as tenured migrants including transient farmers shall be allowed to gather and collect whatever they have planted within five years from the effectivity of this 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 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) 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 facility/ies 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) 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). 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 2 percent of the annual gross income of the facility.

ARTICLE VI

PROHIBITED ACTS AND PENALTIES

SECTION 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;

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- (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 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 chain saws 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 100 meters 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) but not more than Five Hundred Thousand Pesos (P500,000) and/or imprisonment of not less than one year but not more than six 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 years and one day to 12 years, and a minimum fine of One Million Pesos (P1 million) in case the species involved is listed under CITES Appendix I, Seven Hundred Fifty Thousand Pesos (P750,000) for species listed under CITES Appendix II, and Five Hundred Thousand Pesos (P500,000) 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 animals 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) but not more than Five Hundred Thousand Pesos (P500,000) and/or imprisonment of not less than one year but not more than six 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) but not more than One Thousand Pesos (P1,000), or community service from one day to one 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 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

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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 VIII

TRANSITORY AND MISCELLANEOUS PROVISIONS

SECTION 27. Construction. – The provisions of this Act shall be construed liberally in favor of tenured migrants and ICCs/IPs and in consideration of the protection and conservation of biodiversity. The NIPAS Act shall have suppletory effect in the implementation of this Act.

SEC. 28. Transitory Provisions. – In order to ensure the sustainability and recovery of biodiversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any other instrument that allows exploitation of resources within the NSMNP until the management plan shall have been put into effect.

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.

SEC. 29. Separability Clause. – If, for any reason, any part or section of this Act is declared unconstitutional or invalid, such other parts not affected thereby shall remain in full force and effect.

SEC. 30. Repealing Clause. – All laws, decrees, proclamations, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 31. Effectivity Clause. – This Act shall be translated in Filipino and Ilocano. It shall be published once a week for three consecutive weeks in a newspaper of general circulation readily available in the areas in and around the NSMNP and its buffer zones. It shall likewise be conspicuously posted simultaneously in the provincial, municipal and barangay halls within the NSMNP, as well as in three other places frequented by the public. Fifteen days after the last publication and posting, this Act shall have full force and effect.

Approved: April 22, 2001

REPUBLIC ACT NO. 9147
AN ACT PROVIDING FOR THE CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES
AND THEIR HABITATS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

CHAPTER I

GENERAL PROVISIONS

SECTION 1. Title. – This act shall be known as the “*Wildlife Resources Conservation and Protection Act.*”

SEC. 2. Declaration of Policy. – It shall be the policy of the State to conserve the country’s wildlife resources and their habitats for sustainability. In the pursuit of this policy, this Act shall have the following objectives:

- (a) to conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity;
- (b) to regulate the collection and trade of wildlife;
- (c) to pursue, with due regard to the national interest, the Philippine commitment to international conventions, protection of wildlife and their habitats; and
- (d) to initiate or support scientific studies on the conservation of biological diversity.

SEC. 3. Scope of Application. – The provisions of this Act shall be enforceable for all wildlife species found in all areas of the country, including protected areas under Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act, and critical habitats. This Act shall also apply to exotic species which are subject to trade, are cultured, maintained and/or bred in captivity or propagated in the country.

SEC. 4. Jurisdiction of the Department of Environment and Natural Resources and the Department of Agriculture. – The Department of Environment and Natural Resources (DENR) shall have jurisdiction over all terrestrial plant and animal species, all turtles and tortoises and wetland species, including but not limited to crocodiles, waterbirds and all amphibians and dugong. The Department of Agriculture (DA) shall have jurisdiction over all declared aquatic critical habitats, all aquatic resources including but not limited to all fishes, aquatic plants, invertebrates and all marine mammals, except dugong. The secretaries of the DENR and the DA shall review, and by joint administrative order, revise and regularly update the list of species under their respective jurisdiction. In the Province of Palawan, jurisdiction herein conferred is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

CHAPTER II

DEFINITION OF TERMS

SECTION. 5. Definition of Terms. – As used in the Act, the term:

- (a) *Bioprospecting* means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;
- (b) *By-product or derivatives* means any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens;

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- (c) *Captive-breeding/culture or propagation* means the process of producing individuals under controlled conditions or with human interventions;
- (d) *Collection or collecting* means the act of gathering or harvesting wildlife, its by-products or derivatives;
- (e) *Conservation* means preservation and sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat;
- (f) *Critically endangered species* refers to a species or subspecies that is facing extremely high risk of extinction in the wild in the immediate future;
- (g) *Economically important species* means species or subspecies which have actual or potential value in trade or utilization for commercial purpose;
- (h) *Endangered species* refers to species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating;
- (i) *Endemic species* means species or subspecies which is naturally occurring and found only within specific areas in the country;
- (j) *Exotic species* means species or subspecies which do not naturally occur in the country;
- (k) *Export permit* refers to a permit authorizing an individual to bring out wildlife from the Philippines to any other country;
- (l) *Gratuitous permit* means permit issued to any individual or entity engaged in noncommercial scientific, or educational undertaking to collect wildlife;
- (m) *Habitat* means place or environment where species or subspecies naturally occur or has naturally established its population;
- (n) *Import permit* refers to a permit authorizing an individual to bring in wildlife from another country;
- (o) *Indigenous wildlife* means species or subspecies of wildlife naturally occurring or has naturally established population in the country;
- (p) *Introduction* means bringing species into the wild that is outside its natural habitat;
- (q) *Re-export permit* refers to a permit authorizing an individual to bring out of the country a previous imported wildlife;
- (r) *Secretary* means either or both the Secretary of the Department of Environment and Natural Resources and the Secretary of the Department of Agriculture;
- (s) *Threatened species* a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction;
- (t) *Trade* means the act of engaging in the exchange, exportation or importation, purchase or sale of wildlife, their derivatives or by-products, locally or internationally;
- (u) *Traditional use* means utilization of wildlife by indigenous people in accordance with written or unwritten rules, usage, customs and practices traditionally observed, accepted and recognized by them;
- (v) *Transport permit* means a permit issued authorizing an individual to bring wildlife from one place to another within the territorial jurisdiction of the Philippines;
- (w) *Vulnerable species* refers to species or subspecies that is not critically endangered nor endangered but is under threat from adverse factors throughout their range and is likely to move to the endangered category in the near future;

- (x) *Wildlife* means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated;
- (y) *Wildlife collector's permit* means a permit to take or collect from the wild certain species and quantities of wildlife for commercial purposes; and
- (z) *Wildlife farm/culture permit* means a permit to develop, operate and maintain a wildlife breeding farm for conservation, trade and/or scientific purposes.

CHAPTER III

CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES

ARTICLE ONE

GENERAL PROVISION

SECTION 6. *Wildlife Information.* – All activities, as subsequently manifested under this Chapter, shall be authorized by the Secretary upon proper evaluation of best available information or scientific data showing that the activity is, or for a purpose, not detrimental to the survival of the species or subspecies involved and/or their habitat. For this purpose, the Secretary shall regularly update wildlife information through research.

SEC. 7. *Collection of Wildlife.* – Collection of wildlife may be allowed in accordance with Section 6 of this Act: *Provided*, That in the collection of wildlife, appropriate and acceptable wildlife collection techniques with least or no detrimental effects to the existing wildlife populations and their habitats shall, likewise, be required: *Provided, further*, That collection of wildlife by indigenous people may be allowed for traditional use and not primarily for trade: *Provided, furthermore*, That collection and utilization for said purpose shall not cover threatened species: *Provided, finally*, That Section 23 of this Act shall govern the collection of threatened species.

SEC. 8. *Possession of Wildlife.* – No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife: *Provided*, That the source was not obtained in violation of this Act.

SEC. 9. *Collection and/or Possession of By-Products and Derivatives.* – - By-products and derivatives may be collected and/or possessed: *Provided*, That the source was not obtained in violation of this Act.

SEC. 10. *Local Transport of Wildlife, By-Products and Derivatives.* – Local transport of wildlife, by-products and derivatives collected or possessed through any other means shall be authorized unless the same is prejudicial to the wildlife and public health.

SEC. 11. *Exportation and/or Importation of Wildlife.* – Wildlife species may be exported to or imported from another country as may be authorized by the Secretary or the designated representative, subject to strict compliance with the provisions of this Act and rules and regulations promulgated pursuant thereto: *Provided*, That the recipient of the wildlife is technically and financially capable to maintain it.

SEC. 12. *Introduction, Reintroduction or Restocking of Endemic or Indigenous Wildlife.* – The introduction, reintroduction or restocking of endemic and indigenous wildlife shall be allowed only for population enhancement of recovery purposes subject to prior clearance from the Secretary of the authorized representative pursuant to Section 6 of this Act. Any proposed introduction shall be subject to a scientific

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study which shall focus on the bioecology. The proponent shall also conduct public consultations with concerned individuals or entities.

SEC. 13. *Introduction of Exotic Wildlife.* – No exotic species shall be introduced into the country, unless a clearance from the Secretary or the authorized representative is first obtained. In no case shall exotic species be introduced into protected areas covered by Republic Act No. 7586 and to critical habitats under Section 25 hereof.

In cases where introduction is allowed, it shall be subject to environmental impact study which shall focus on the bioecology, socioeconomic and related aspects of the area where the species will be introduced. The proponent shall also be required to secure the prior informed consent from the local stakeholders.

SEC. 14. *Bioprospecting.* – Bioprospecting shall be allowed upon execution of an undertaking by any proponent, stipulating therein its compliance with and commitment(s) to reasonable terms and conditions that may be imposed by the Secretary which are necessary to protect biological diversity.

The Secretary or the authorized representative, in consultation with the concerned agencies, before granting the necessary permit, shall require that prior informed consent be obtained by the applicant from the concerned indigenous cultural communities, local communities, management board under Republic Act No. 7586 or private individual or entity. The applicant shall disclose fully the intent and scope of the bioprospecting activity in a language and process understandable to the community. The prior informed consent from the indigenous peoples shall be obtained in accordance with existing laws. The action on the bioprospecting proposal by concerned bodies shall be made within a reasonable period.

Upon submission of the complete requirements, the Secretary shall act on the research proposal within a reasonable period.

If the applicant is a foreign entity or individual, a local institution should be actively involved in the research, collection and, whenever applicable and appropriate, in the technological development of the products derived from the biological and genetic resources.

SEC. 15. *Scientific Researches on Wildlife.* – Collection and utilization of biological resources for scientific research and not for commercial purposes shall be allowed upon execution of an undertaking/ agreement with and issuance of a gratuitous permit by the Secretary or the authorized representative: *Provided*, That prior clearance from concerned bodies shall be secured before the issuance of the gratuitous permit: *Provided, further*, That the last paragraph of Section 14 shall likewise apply.

SEC. 16. *Biosafety.* – All activities dealing on genetic engineering and pathogenic organisms in the Philippines, as well as activities requiring the importation, introduction, field release and breeding of organisms that are potentially harmful to man and the environment shall be reviewed in accordance with the biosafety guidelines ensuring public welfare and the protection and conservation of wildlife and their habitats.

SEC. 17. *Commercial Breeding or Propagation of Wildlife Resources.* – Breeding or propagation of wildlife for commercial purposes shall be allowed by the Secretary or the authorized representative pursuant to Section 6 through the issuance of wildlife farm culture permit: *Provided*, That only progenies of wildlife raised, as well as unproductive parent stock shall be utilized for trade: *Provided, further*, That commercial breeding operations for wildlife, whenever appropriate, shall be subject to an environmental impact study.

SEC. 18. Economically Important Species. – The Secretary, within one year after the effectivity of this Act, shall establish a list of economically important species. A population assessment of such species shall be conducted within a reasonable period and shall be regularly reviewed and updated by the Secretary.

The collection of certain species shall only be allowed when the results of the assessment show that, despite certain extent of collection, the population of such species can still remain viable and capable of recovering its numbers. For this purpose, the Secretary shall establish a schedule and volume of allowable harvests.

Whenever an economically important species become threatened, any form of collection shall be prohibited except for scientific, educational or breeding/propagation purposes, pursuant to the provisions of this Act.

SEC. 19. Designation of Management and Scientific Authorities for International Trade in Endangered Species of Wild Fauna and Flora. – For the implementation of International agreement on international trade in endangered species of wild fauna and flora, the management authorities for terrestrial and aquatic resources shall be the Protected Areas and Wildlife Bureau (PAWB) of the DENR and the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA, respectively, and that in the Province of Palawan the implementation hereof is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

To provide advice to the management authorities, there shall be designated scientific authorities for terrestrial and aquatic/marine species. For the terrestrial species, the scientific authorities shall be the Ecosystems Research and Development Bureau (ERDB) of the DENR, the U.P. Institute of Biological Sciences and the National Museum, and other agencies as may be designated by the Secretary. For the marine and aquatic species, the scientific authorities shall be the BFAR, the U.P. Marine Science Institute, U.P. Visayas, Siliman University and the National Museum and other agencies as may be designated by the Secretary: *Provided*, That in the case of terrestrial species, the ERDB shall chair the scientific authorities, and in the case of marine and aquatic species, the U.P. Marine Science Institute shall chair the scientific authorities.

SEC. 20. Authority of the Secretary to Issue Permits. – The Secretary or the duly authorized representative, in order to effectively implement this Act, shall issue permits/certifications/clearances with corresponding period of validity, whenever appropriate, which shall include but not be limited to the following:

- (1) Wildlife farm or culture permit three to five years;
- (2) Wildlife collector's permit one to three years;
- (3) Gratuitous permit one year;
- (4) Local transport permit one to three months; and
- (5) Export/Import/Reexport permit one to six months.

These permits may be renewed subject to the guidelines issued by the appropriate agency and upon consultation with concerned groups.

SEC. 21. Fees and Charges. – Reasonable fees and charges as may be determined upon consultation with the concerned groups, and in the amount fixed by the Secretary shall be imposed for the issuances of permits enumerated in the preceding section.

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For the export of wildlife species, an export permit fee of not greater than 3 percent of the export value, excluding transport costs, shall be charged: *Provided, however,* That in the determination of aforesaid fee, the production costs shall be given due consideration. Cutflowers, leaves and the like, produced from farms shall be exempted from the said export fee: *Provided, further,* That fees and charges shall be reviewed by the Secretary every two years or as the need arises and revise the same accordingly, subject to consultation with concerned sectors.

ARTICLE TWO

PROTECTION OF THREATENED SPECIES

SECTION 22. *Determination of Threatened Species.* – The Secretary shall determine whether any wildlife species or subspecies is threatened, and classify the same as critically endangered, endangered, vulnerable or other accepted categories based on the best scientific data and with due regard to internationally accepted criteria, including but not limited to the following:

- (a) present or threatened destruction, modification or curtailment of its habitat or range;
- (b) over-utilization for commercial, recreational, scientific or educational purposes;
- (c) inadequacy of existing regulatory mechanisms; and
- (d) other natural or man-made factors affecting the existence of wildlife.

The Secretary shall review, revise and publish the list of categorized threatened wildlife within one year after effectivity of this Act. Thereafter, the list shall be updated regularly or as the need arises: *Provided,* That a species listed as threatened shall not be removed there from within three years following its initial listing.

Upon filing of a petition based on substantial scientific information of any person seeking for the addition or deletion of a species from the list, the Secretary shall evaluate in accordance with the relevant factors stated in the first paragraph of this Section, the status of the species concerned and act on said petition within a reasonable period.

The Secretary shall also prepare and publish a list of wildlife which resembles so closely in appearance with listed threatened wildlife, which species shall likewise be categorized as threatened.

SEC. 23. *Collection of Threatened Wildlife, By-Products and Derivatives.* – The collection of threatened wildlife, as determined and listed pursuant to this Act, including its by-products and derivatives, shall be allowed only for scientific, or breeding or propagation purposes in accordance with Section 6 of this Act: *Provided,* That only the accredited individuals, business, research, educational or scientific entities shall be allowed to collect for conservation breeding or propagation purposes.

SEC. 24. *Conservation Breeding or Propagation of Threatened Species.* – Conservation breeding or propagation of threatened species shall be encouraged in order to enhance its population in its natural habitat. It shall be done simultaneously with the rehabilitation and/or protection of the habitat where the captive-bred or propagated species shall be released, reintroduced or restocked.

Commercial breeding or propagation of threatened species may be allowed provided that the following minimum requirements are met by the applicant, to wit:

- (a) Proven effective breeding and captive management techniques of the species; and
- (b) Commitment to undertake commercial breeding in accordance with Section 17 of this Act, simultaneous with conservation breeding.

The Secretary shall prepare a list of threatened species for commercial breeding and shall regularly revise or update such list or as the need arises.

SEC. 25. Establishment of Critical Habitats. – Within two years following the effectivity of this Act, The Secretary shall designate critical habitats outside protected areas under Republic Act No. 7586, where threatened species are found. Such designation shall be made on the basis of the best scientific data taking into consideration species endemicity and/or richness, presence of man-made pressures/threats to the survival of wildlife living in the area, among others.

All designated, critical habitats shall be protected, in coordination with the local government units and other concerned groups, from any form of exploitation or destruction which may be detrimental to the survival of the threatened species dependent therein. For such purpose, the Secretary may acquire, by purchase, donation or expropriation, lands, or interests therein, including the acquisition of usufruct, establishment of easements or other undertakings appropriate in protecting the critical habitat.

ARTICLE THREE

REGISTRATION OF THREATENED AND EXOTIC SPECIES

SECTION 26. Registration of Threatened and Exotic Wildlife in the Possession of Private Persons. – No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife. Twelve months after the effectivity of this Act, the Secretary shall set a period, within which persons/entities shall register all threatened species collected and exotic species imported prior to the effectivity of this Act. However, when the threatened species is needed for breeding/propagation or research purposes, the State may acquire the wildlife through a mutually acceptable arrangement.

After the period set has elapsed, threatened wildlife possessed without certificate of registration shall be confiscated in favor of the government, subject to the penalties herein provided.

All Philippine wildlife which are not listed as threatened prior to the effectivity of this Act but which may later become so, shall likewise be registered during the period set after the publication of the updated list of threatened species.

CHAPTER IV

ILLEGAL ACTS

SECTION 27. Illegal Acts. – Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts:

- (a) killing and destroying wildlife species, except in the following instances;
 - (i) when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities;
 - (ii) when the wildlife is afflicted with an incurable communicable disease;
 - (iii) when it is deemed necessary to put an end to the misery suffered by the wildlife;
 - (iv) when it is done to prevent an imminent danger to the life or limb of a human being; and

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- (v) when the wildlife is killed or destroyed after it has been used in authorized research or experiments.
- (b) inflicting injury which cripples and/or impairs the reproductive system of wildlife species;
- (c) effecting any of the following acts in critical habitat(s):
 - (i) dumping of waste products detrimental to wildlife;
 - (ii) squatting or otherwise occupying any portion of the critical habitat;
 - (iii) mineral exploration and/or extraction;
 - (iv) burning;
 - (v) logging; and
 - (vi) quarrying
- (d) introduction, reintroduction or restocking of wildlife resources;
- (e) trading of wildlife;
- (f) collecting, hunting or possessing wildlife, their by-products and derivatives;
- (g) gathering or destroying of active nests, nest trees, host plants and the like;
- (h) maltreating and/or inflicting other injuries not covered by the preceding paragraph; and
- (i) transporting of wildlife.

CHAPTER V

FINES AND PENALTIES

SECTION 28. Penalties for Violations of this Act. – For any person who undertakes illegal acts under paragraph (a) of the immediately preceding section to any species as may be categorized pursuant to this Act, the following penalties and/or fines shall be imposed:

- (a) imprisonment of a minimum of six years and one day to 12 years and/or a fine of One Hundred Thousand Pesos (P100,000) to One Million Pesos (P1 million), if inflicted or undertaken against species listed as critical;
- (b) imprisonment of four and one day to six years and/or a fine of Fifty Thousand Pesos (P50,000) to Five Hundred Thousand Pesos (P500,000) if inflicted or undertaken against endangered species;
- (c) imprisonment of two years and one day to four years and/or a fine of Thirty Thousand Pesos (P30,000) to Three Hundred Thousand Pesos (P300,000), if inflicted or undertaken against vulnerable species;
- (d) imprisonment of one year and one day to two years and/or a fine of Twenty Thousand Pesos (P20,000) to Two Hundred Thousand Pesos (P200,000) if inflicted or undertaken against other threatened species; and
- (e) imprisonment of six months and one day to one year and/or a fine of Ten Thousand Pesos (P10,000) to One Hundred Thousand Pesos (P100,000), if inflicted or undertaken against other wildlife species;

For illegal acts under paragraph (b) of the immediately preceding section, the following penalties and/or fines shall be imposed:

- (a) imprisonment of minimum of four years and one day to six years and/or a fine of Fifty Thousand Pesos (P50,000) to Five Hundred Thousand Pesos (P500,000), if inflicted or undertaken against species listed as critical;
- (b) imprisonment of two years and one day to four years and/or a fine of Thirty Thousand Pesos (P30,000) to Two Hundred Thousand Pesos (P200,000), if inflicted or undertaken against endangered species;
- (c) imprisonment of one year and one day to two years and/or a fine of Twenty Thousand Pesos (P20,000) to Two Hundred Thousand Pesos (P200,000), if inflicted or undertaken against vulnerable species;
- (d) imprisonment of six months and one day to one year and/or fine of Ten Thousand Pesos (P10,000) to Fifty Thousand Pesos (P50,000), if inflicted or undertaken against other threatened species; and
- (e) imprisonment of one month to six months and/or a fine of Five Thousand Pesos (P5,000) to Twenty Thousand Pesos (P20,000), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraphs (c) and (d) of the immediately preceding section, an imprisonment of one month to eight years and/or a fine of Five Thousand Pesos (P5,000) to Five Million Pesos (P5 million) shall be imposed.

For illegal acts under paragraph (e), the following penalties and/or fines shall be imposed:

- (a) imprisonment of two years and one day to four years and/or a fine of Five Thousand Pesos (P5,000) to Three Hundred Thousand Pesos (P300,000), if inflicted or undertaken against species listed as critical;
- (b) imprisonment of one year and one day to two years and/or a fine of Two Thousand Pesos (P2,000) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;
- (c) imprisonment of six months and one day to one year and/or a fine of One Thousand Pesos (P1,000) to One Hundred Thousand Pesos (P100,000), if inflicted or undertaken against vulnerable species;
- (d) imprisonment of one month and one day to six months and/or a fine of Five Hundred Pesos (P500) to Fifty Thousand Pesos (P50,000), if inflicted or undertaken against species listed as threatened species; and
- (e) imprisonment of 10 days to one month and/or a fine of Two Hundred Pesos (P200) to Twenty Thousand Pesos (P20,000), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraphs (f) and (g) of the immediately preceding section, the following penalties and/or fines shall be imposed:

- (a) imprisonment of two years and one day to four years and a fine of Thirty Thousand Pesos (P30,000) to Three Hundred Thousand Pesos (P300,000), if inflicted or undertaken against species listed as critical;
- (b) imprisonment of one year and one day to two years and a fine of Twenty Thousand Pesos (P20,000) to Two Hundred Thousand Pesos (P200,000), if inflicted or undertaken against endangered species;
- (c) imprisonment of six months and one day to one year and a fine of Ten Thousand Pesos (P10,000) to One Hundred Thousand Pesos (P100,000), if inflicted or undertaken against vulnerable species;
- (d) imprisonment of one month and one day to six months and a fine of Five Thousand Pesos (P5,000) to Fifty Thousand Pesos (P50,000), if inflicted or undertaken against species as other threatened species; and

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(e) imprisonment of 10 days to one month and a fine of One Thousand Pesos (P1,000) to Five Thousand Pesos (P5,000), if inflicted or undertaken against other wildlife species: *Provided*, That in case of paragraph (f), where the acts were perpetuated through the means of inappropriate techniques and devices, the maximum penalty herein provided shall be imposed.

For illegal acts under paragraphs (h) and (i) of the immediately preceding section, the following penalties and/or fines shall be imposed:

- (a) imprisonment of six months and one day to one year and a fine of Fifty Thousand Pesos (P50,000) to One Hundred Thousand Pesos (P100,000) if inflicted or undertaken against species listed as critical species;
- (b) imprisonment of three months and one day to six months and a fine of Twenty Thousand Pesos (P20,000) to Fifty Thousand Pesos (P50,000), if inflicted or undertaken against endangered species;
- (c) imprisonment of one month and one day to three months and a fine of Five Thousand Pesos (P5,000) to Twenty Thousand Pesos (P20,000), if inflicted or undertaken against vulnerable species;
- (d) imprisonment of 10 days to one month and a fine of One Thousand Pesos (P1,000) to Five Thousand Pesos (P5,000), if inflicted or undertaken against species listed as other threatened species;
- (e) imprisonment of five days to 10 days and a fine of Two Hundred Pesos (P200) to One Thousand Pesos (P1,000), if inflicted or undertaken against other wildlife species.

All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be *ipso facto* forfeited in favor of the government: *Provided*, That where the ownership of the aforesaid conveyances belongs to third persons who have no participation in or knowledge of the illegal acts, the same may be released to said owner. The apprehending agency shall immediately cause the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area.

If the offender is an alien, he shall be deported after service and payment of fines, without any further proceedings.

The fines herein prescribed shall be increased by at least 10 percent every three years to compensate for inflation and to maintain the deterrent function of such fines.

CHAPTER VI

MISCELLANEOUS PROVISIONS

SECTION 29. *Wildlife Management Fund.* – There is hereby established a Wildlife Management Fund to be administered by the Department as a special account in the National Treasury which shall finance rehabilitation or restoration of habitats affected by acts committed in violation of this Act and support scientific research, enforcement and monitoring activities, as well as enhancement of capabilities of relevant agencies.

The Fund shall derive from fines imposed and damages awarded, fees, charges, donations, endowments, administrative fees or grants in the form of contributions. Contributions to the Fund shall be exempted from donor taxes and all other tax charges or fees imposed by the government.

Sec. 30. *Deputation of Wildlife Enforcement Officers.* – The Secretary shall depute wildlife enforcement officers from non-government organizations, citizens groups, community organizations and other volunteers who have undergone the necessary training for this purpose. The Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI) and other

law enforcement agencies shall designate wildlife enforcement officers. As such, the wildlife enforcement officers shall have the full authority to seize illegally traded wildlife and to arrest violators of this Act subject to existing laws, rules and regulations on arrest and detention.

SEC. 31. *Establishment of National Wildlife Research Centers.* – The Secretary shall establish national wildlife research centers for terrestrial and aquatic species to lead in the conduct of scientific researches on the proper strategies for the conservation and protection of wildlife, including captive breeding or propagation. In this regard, the Secretary shall encourage the participation of experts from academic/ research institutions and wildlife industry.

SEC. 32. *Wildlife Rescue Center.* – The Secretary shall establish or designate wildlife rescue centers to take temporary custody and care of all confiscated, abandoned and/or donated wildlife to ensure their welfare and well-being. The Secretary shall formulate guidelines for the disposition of wildlife from the rescue centers.

SEC. 33. *Creation of Wildlife Traffic Monitoring Units.* – The Secretary shall create wildlife traffic monitoring units in strategic air and sea ports all over the country to ensure the strict compliance and effective implementation of all existing wildlife laws, rules and regulations, including pertinent international agreements.

Customs officers and/or other authorized government representatives assigned at air or sea ports who may have intercepted wildlife commodities in the discharge of their official functions shall, prior to further disposition thereof, secure a clearance from the wildlife traffic monitoring unit assigned in the area.

SEC. 34. *Exemption from taxes.* – Any donation, contribution, bequest, subsidy or financial aid which may be made to the Department of Environment and Natural Resources or to the Department of Agriculture and to NGOs engaged in wildlife conservation duly registered with the Securities and Exchange Commission as certified by the local government unit, the Department of Environment and Natural Resources or the Department of Agriculture, for the conservation and protection of wildlife resources and their habitats shall constitute as an allowable deduction from the taxable income of the donor and shall be exempt from donor's tax.

SEC. 35. *Flagship Species.* – Local government units shall initiate conservation measures for endemic species in their areas. For this purpose, they may adopt flagship species such as the Cebu black shama (*copsychus cebuensis*), tamaraw (*bubalus mindorensis*), Philippine tarsier (*tarsius syrichta*), Philippine teak (*tectona philippinensis*), which shall serve as emblems of conservation for the local government concerned.

SEC. 36. *Botanical Gardens, Zoological Parks and Other Similar Establishments.* – The Secretary shall regulate the establishment, operation and maintenance of botanical gardens, zoological parks and other similar establishments for recreation, education and conservation.

SEC. 37. *Implementing Rules and Regulations.* – Within 12 months following the effectivity of this Act, secretaries of the Department of Environment and Natural Resources and the Department of Agriculture, in coordination with the Committees on Environment and Ecology of the Senate and the House of Representatives, respectively, shall promulgate respective rules and regulations for the effective implementation of this Act. Whenever appropriate, coordination in the preparation and implementation of rules and regulations on joint and inseparable issues shall be done by both

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Departments. The commitments of the State to international agreements and protocols shall likewise be a consideration in the implementation of this Act.

SEC. 38. Appropriations. – The amount necessary to implement the provisions of this Act shall be charged against the appropriations of the Department of Environment and Natural Resources in the current General Appropriations Act. Therefore, such sums as may be necessary to fully implement the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 39. Separability Clause. – Should any provision of this Act be subsequently declared as unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SEC. 40. Repealing Clause. – Act Nos. 2590 and 3983, Commonwealth Act No. 63, as amended, Presidential Decree No. 1219, as amended, Republic Act No. 6147, and other laws, orders and regulations inconsistent herewith are hereby repealed or amended accordingly.

SEC. 41. Effectivity. – This Act shall take effect 15 days after publication in the Official Gazette or two newspapers of general circulation.

Approved: July 30, 2001.

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) *Non-government Organization (NGO)* shall refer to any civic, developmental, environmental or philanthropic non-stock, non-profit organization, duly registered, having bylaws, democratically-elected representation, and multi-sectoral in character.

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- (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 redlist categories of the International Conservation of Nature (UCN), 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 of five years prior to its designation as part of a protected area and is usually 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	167.10 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' E 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, S 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;

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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,	N 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,	N 69° 40' W	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;

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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	421.63 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' W	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' E	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' W	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.;

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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' E	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,	63° 16' W	211.33 m to point 202;
Thence,	41° 29' W	31.17 m to point 203;
Thence,	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''	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,	N 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;

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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'	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;

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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;

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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,	N 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, monument P.L.S./B.L.;
Thence,	S 67° 13' E	141.34 m to point 433, 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;

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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' E	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	425.00 m to point 516, of Magalao Creek
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 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;

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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' E 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;

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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 point of beginning;

Containing an area of 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

SECTION 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 PAMB representatives and four 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 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 officers 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 30 years subject to periodic review every five 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 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 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 stockholders.

ARTICLE III

INSTITUTIONAL MECHANISMS, ROLES, AND FUNCTIONS OF MANAGEMENT

SECTION 10. *Institutional Mechanisms.*

(A) The PAMB shall be the policy-making body of the MKNP. It shall be composed of:

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- (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 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 or DENR Region VI as chairman;
 - (2) The Governors of Negros Occidental and Negros Oriental, or their respective duly authorized, regular representatives;
 - (3) Two mayor representatives, to be chosen from among themselves, or their respective duly authorized, regular representatives;
 - (4) Two barangay captain representatives, one each from Negros Occidental and Negros Oriental, to be chosen from among themselves; or their respective authorized, regular representatives;
 - (5) One from the NGO representatives;
 - (6) One from the PO representatives;
 - (7) One from the ICC/IP representatives; and
 - (8) One from the PNOC EDC.
- (C) Except for government officials who shall serve *ex officio*, every PAMB member shall serve for a term of five 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 procedures 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 used 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 Areas 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;

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- (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

SECTION 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 by 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 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 Plans, 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 instruments 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

SECTION 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 years and one day but not more than 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 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 months but no more than six 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 chain saws 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 years.

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- (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 months but not more than six 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 12 years and one day but not more than 20 years and a fine of not less than Five Hundred Thousand pesos (P500,000) to One Million Pesos (P1 million) 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 therein.

Sec. 16. Special Prosecutors. – Within 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

SECTION 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 percent of the IPAF shall be for the use of the national government for the support of the National Integrated Protected Areas System: *Provided*, That 25 percent thereof shall be allocated to the local government units comprising the MKNP.

ARTICLE VII

EXISTING FACILITIES

SECTION 18. *Existing Facilities within the MKNP.* – Within 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 disbursement of protected species and other 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 years.

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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) hereof, if any of such conditions is 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

SECTION 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 X

TRANSITORY AND MISCELLANEOUS PROVISIONS

SECTION 20. *Appropriations.* – The Secretary of the DENR shall include in its program the implementation to 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 supplementary 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 the new PAMB has been convened within three 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 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 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 other places frequented by the public. Fifteen days after the last publication and posting, this Act shall have full force and effect.

Approved: August 11, 2001.

REPUBLIC ACT No. 9175
AN ACT REGULATING THE OWNERSHIP, POSSESSION, SALE, IMPORTATION
AND USE OF CHAIN SAWS, PENALIZING VIOLATIONS THEREOF AND FOR OTHER PURPOSES

SECTION 1. Title. – This Act shall be known as the “*Chain Saw Act of 2002.*”

SEC. 2. Declaration of Policy. – It is the policy of the State, consistent with the Constitution, to conserve, develop and protect the forest resources under sustainable management. Toward this end, the State shall pursue an aggressive forest protection program geared towards eliminating illegal logging and other forms of forest destruction which are being facilitated with the use of chain saws. The State shall therefore regulate the ownership, possession, sale, transfer, importation and/or use of chain saws to prevent them from being used in illegal logging or unauthorized clearing of forests.

SEC. 3. Definition of Terms. – As used in this Act, the term:

- (a) *Chain saw* shall refer to any portable power saw or similar cutting implement, rendered operative by an electric or internal combustion engine or similar means, that may be used for, but is not limited to, the felling of trees or the cutting of timber;
- (b) *Chain saw dealer* shall refer to a person, natural or juridical, engaged in the manufacture, importation, distribution, purchase and/or sale of chain saws;
- (c) *Department* shall refer to the Department of Environment and Natural Resources; and
- (d) *Secretary* shall refer to the Secretary of the Department of Environment and Natural Resources.

SEC. 4. Persons Authorized to Manufacture, Sell and Import Chain Saws. – Chain saws shall only be sold and/or imported by manufacturers, dealers and/or private owners who are duly authorized by the Department.

SEC. 5. Persons Authorized to Possess and Use a Chain Saw. – The Department is hereby authorized to issue permits to possess and/or use a chain saw for the felling and/or cutting of trees, timber and other forest or agro-forest products to any applicant who:

- (a) has a subsisting timber license agreement, production sharing agreement, or similar agreements, or a private land timber permit;
- (b) is an orchard and fruit tree farmer;
- (c) is an industrial tree farmer;
- (d) is a licensed wood processor and the chain saw shall be used for the cutting of timber that has been legally sold to said applicant; or
- (e) shall use the chain saw for a legal purpose.

Agencies of the government that use chain saws in some aspects of their functions must likewise secure the necessary permit from the Department before operating the same.

SEC. 6. Registration of Chain Saws. – Within a period of three months from the effectivity hereof, all persons who own or are otherwise in possession of chain saws must register the same with the Department, through any of its Community Environment and Natural Resources Office, which shall issue the corresponding registration certificate or permit if it finds such persons to be qualified hereunder.

Every permit to possess and/or use a chain saw for legitimate purpose shall be valid for two years upon issuance: *Provided*, That permits to possess and use chainsaw issued to non-commercial orchard and fruit tree farmers shall be valid for a period of five years upon issuance. For this purpose, the Department shall be allowed to collect reasonable registration fees for the effective implementation of this Act.

SEC. 7. Penal Provisions.

- (1) *Selling, Purchasing, Re-selling Transferring, Distributing or Possessing a Chain Saw Without a Proper Permit.* – Any person who sells, purchases, transfers the ownership, distributes, or otherwise disposes or possesses a chain saw without first securing the necessary permit from the Department shall be punished with imprisonment of four years, two months and one day to six years or a fine of not less than Fifteen Thousand Pesos (P15,000) but not more than Thirty Thousand Pesos (P30,000), or both, at the discretion of the court, and the chain saw/s confiscated in favor of the government.
- (2) *Unlawful Importation or Manufacturing of Chain Saw.* – Any person who imports or manufactures a chain saw without obtaining prior authorization from the Department shall be punished by imprisonment of not less than one month nor more than six months and a fine of not less than One Thousand Pesos (P1,000) nor more than Four Thousand Pesos (P4,000).
- (3) *Tampering of Engine Serial Number.* – Any person who is found to have defaced or tampered with the original registered engine serial number of any chain saw unit shall be punished by imprisonment of not less than one month nor more than six months and a fine of not less than One Thousand Pesos (P1,000) nor more than Four Thousand Pesos (P4,000).
- (4) *Actual Unlawful Use of Chain Saw.* – Any person who is found to be in possession of a chain saw and uses the same to cut trees and timber in forest land or elsewhere except as authorized by the Department shall be penalized with imprisonment of six years and one day to eight years or a fine of not less than Thirty Thousand Pesos (P30,000) but not more than Fifty Thousand Pesos (P50,000), or both, at the discretion of the court without prejudice to being prosecuted for a separate offense that may have been simultaneously committed. The chain saw unlawfully used shall be likewise confiscated in favor of the government.

If the violation under this Section is committed by or through the command or order of another person, partnership or corporation, the penalties herein provided shall likewise be imposed on such other person, or the responsible officer(s) in such partnership or corporation.

If the offender is a public official or employee, in addition to the above penalties, he shall be removed from office and perpetually disqualified from holding any public office.

The chain saws confiscated under this Section shall be sold at public auction to qualified buyers and the proceeds thereof shall go to the Department.

SEC. 8. Reward. – Any person who voluntarily gives information leading to the recovery or confiscation of an unregistered chain saw and the conviction of persons charged thereof shall be entitled to a reward equivalent to 20 percent of the value of the chain saw unit(s). The Department is authorized to include in its budget the amount necessary to carry out the purpose of this Section.

SEC. 9. Authority of the Secretary. – To effectively implement the provisions of this Act, the Secretary shall issue the implementing rules and regulations within 90 days upon approval of this Act. He shall likewise organize an office within the Department to ensure that the requirements imposed by this

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Act may be complied with by qualified persons, within the shortest possible time, at the least possible expense.

In the Province of Palawan, the provisions of this Act shall be implemented by the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611 or the Strategic Environmental Plan for Palawan.

SEC. 10. Revocation of Registration and Permit. – The Secretary may revoke any Certificate of Registration or permit previously issued to a person found violating the provisions of this Act, or the rules and regulations issued pursuant thereto.

SEC. 11. Joint Congressional Oversight Committee. – To monitor and oversee the implementation of this Act, including the approval of the rules and regulations issued pursuant hereto, there is hereby created a Joint Congressional Oversight Committee to be composed of the Chairpersons of the Senate Committee on Environment and Natural Resources and the House Committee on Natural Resources as Chairperson and Co-Chairperson, five members of each of the Senate and the House of Representatives who shall be designated by the Senate President and the Speaker of the House of Representatives as members: *Provided*, That the two of the five senators and two of the five House members shall be nominated by the respective Minority Leaders of the Senate and the House of Representatives.

SEC. 12. Transitory Provision. – In the interim while the Department is formulating the implementing rules and regulations to effectively carry out the provisions of this Act, the Bureau of Customs is prohibited from approving any chain saw importation without clearance from said Department.

SEC. 13. Separability Clause. – If, for any reason, any part or provision of this Act shall be declared as unconstitutional or invalid, such parts or provisions not affected thereby shall remain in full force and effect.

SEC. 14. Repealing Clause. – All laws, executive orders, presidential decrees, letters of instruction, rules and regulations, or parts thereof which are inconsistent with any of the provisions of this Act are hereby repealed and/or amended accordingly.

SEC. 15. Effectivity. – This Act shall take effect 15 days after its complete publication in the Official Gazette or in at least two national newspapers of general circulation, whichever comes earlier.

Approved: November 7, 2002.

REPUBLIC ACT No. 9176
AN ACT EXTENDING THE PERIOD UNTIL DECEMBER 31, 2020
FOR THE FILING OF APPLICATIONS FOR ADMINISTRATIVE LEGALIZATION (FREE PATENT)
AND JUDICIAL CONFIRMATION OF IMPERFECT AND INCOMPLETE TITLES TO ALIENABLE AND
DISPOSABLE LANDS OF THE PUBLIC DOMAIN, AMENDING FOR THIS PURPOSE COMMONWEALTH
ACT No. 141, AS AMENDED, OTHERWISE KNOWN AS THE PUBLIC LAND ACT

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

SECTION 1. Section 45, Chapter VII of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

SECTION 45. The President of the Philippines, upon recommendation of the Secretary of Environment and Natural Resources, shall from time to time fix by proclamation the period within which applications for free patents may be filed in the Community Environment and Natural Resources Office or region specified in such proclamation, and upon the expiration of the period so designated, unless the same be extended by the President, all the lands comprised within such district, chartered city, province, municipality or region subject thereto under the provisions of this Chapter may be disposed of as agricultural public land without prejudice to the prior right of the occupant and cultivator to acquire such land under this Act by means other than free patent. The time to be fixed in the entire Archipelago for the filing of applications under this Chapter shall not extend beyond December 31, 2020: *Provided*, that the period shall apply only when the area applied for does not exceed 12 hectares. The period fixed for any district, chartered city, province or municipality shall take effect 30 days after the publication of the proclamation in one newspaper of general circulation in the city, province or municipality concerned. A certified copy of said proclamation shall be furnished by the Secretary of Environment and Natural Resources within 30 days counted from the date of the presidential proclamation to the Community Environment and Natural Resources Office and to the provincial board and municipal board or city council and barangay council affected, and copies thereof shall be posted on the bulletin board of the Community Environment and Natural Resources Office and at such conspicuous places in the provincial capitol. It shall moreover be announced and aired over the government station in the concerned local area.

SEC. 2. Section 47, Chapter VIII of the same Act, as amended, is hereby further amended to read as follows:

SEC. 47. The persons specified in the next following section are hereby granted time, not to extend beyond December 31, 2020 within which to avail of the benefits of this Chapter: *Provided*, That this period shall apply only where the area applied for does not exceed 12 hectares: *Provided*, further, That the several periods of time designated by the President in accordance with Section 45 of this Act shall apply also to the lands comprised in the provisions of this Chapter, but this Section shall not be construed as prohibiting any said persons from acting under this Chapter at any time prior to the period fixed by the President.

SEC. 3. All pending applications filed before the effectivity of this amendatory Act shall be treated as having been filed in accordance with the provisions of this Act.

SEC. 4. *Repealing Clause* – All laws, decrees, executive orders, executive issuances or letters of instruction, rules and regulations, or any part thereof, inconsistent with or contrary to the provisions of this Act, are hereby deemed repealed, amended or modified accordingly.

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SEC. 5. *Separably Clause.* – If, for any reason or reasons, any part or parts of this Act shall be declared unconstitutional or invalid by any competent court, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

SEC. 6. *Effectivity Clause.* – This Act shall take effect 15 days after its publication in two national newspapers of general circulation.

Approved: November 13, 2002.

REPUBLIC ACT No. 9237
AN ACT ESTABLISHING MOUNT APO LOCATED THE MUNICIPALITIES OF MAGPET
AND MAKILALA AND CITY OF KIDAPAWAN, PROVINCE OF COTABATO, IN THE MUNICIPALITIES
OF BANSALAN AND STA. CRUZ AND CITY OF DIGOS, PROVINCE OF DAVAO DEL SUR,
AND IN THE CITY OF DAVAO, AS A PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK
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:

CHAPTER I

INTRODUCTORY PROVISIONS

SECTION 1. Title. – This Act shall be known as the “*Mount Apo Protected Area Act of 2003.*”

SEC. 2. Declaration of Policy. – Considering Mt. Apo’s aesthetic, economic, cultural, and ecological importance and its unique biological resources, it is hereby declared the policy of the State to secure its protection and conservation and those of the indigenous peoples and communities residing therein as well as their culture and way of life. In so doing, the State shall: (a) ensure the protection and conservation of biodiversity in Mt. Apo through sustainable and participatory development; (b) advance, respect, and protect the customs and interests of its legitimate inhabitants, migrants, and indigenous peoples alike; and (c) foster partnership among government, non-government organizations, and people’s organizations.

SEC. 3. Definition of Terms.

- a. *Ancestral domain/ancestral lands* refers to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), subject to property or prior rights within the ancestral domains already existing and vested upon the effectivity of Republic Act No. 8371 or the Indigenous Peoples’ Rights Act (IPRA) of 1997, comprising lands, inland waters, and natural resources therein held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth, or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.
- b. *Biodiversity* refers to the variety and variability among all living organisms and the ecological complex in which they occur.
- c. *Buffer zones* refers to areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 of Republic Act No. 7586 or the National Integrated Protected

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Areas System (NIPAS) Act of 1992, that need special development and control in order to provide an extra layer around the protected area where restrictions may apply and managed according to the management plan and applicable rules and regulations issued as provided for in this Act and related statutes.

- d. *By-products* refers to any part taken from wild species such as hides, antlers, feathers, fur, teeth, claws, internal organs, eggs, roots, trunk, branches, leaves, stems, flowers, bark, including their derivatives such as blood, oils, resin, gum, seed, spores, pollen, honey, beeswax, and the like.
- e. *Collection or collecting* refers to the act of gathering or harvesting wild flora and fauna species and its by-products or derivatives.
- f. *Commercial facilities* refers to the conduct of business by natural or artificial persons with the purpose of securing an economic or resource surplus not needed for immediate subsistence.
- g. *Conservation* refers to the optimum utilization and management of natural resources in order to meet the needs and aspirations of the present and the future.
- h. *Ecosystem* refers to the community of plants and animals, their physical environment, and the interactions between them.
- i. *Environmental Impact Assessment* refers to the Environment Impact Assessment System established under Presidential Decree No. 1586 or supervening legislation.
- j. *Exotic species* refers to species or subspecies which do not naturally occur within the country or within the biogeographic region of the Philippines in which the protected area is situated.
- k. *Fish/aquatic animals/products* refers to fishes and other aquatic animals such as crustaceans, echinoderms, marine animals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
- l. *Fishing* refers to the taking of the fish, aquatic products or any aquatic flora and fauna from their wild habitat, with or without the use of fishing vessels.
- m. *Forest products* refers to timber, pulpwood, firewood, bark, tree top, resin, gum, wood, lumber, oil, honey, beeswax, nipa, rattan, or other forest growth such as grass, shrub, and flowering plant, the associated water, fish, game, scenic, historical, recreational, and geologic resources in forest lands.
- n. *Indigenous Cultural, Communities* refers to the ICCs/IPs as defined in the IPRA. Specifically in the Mt. Apo Natural Park, the ICCs/IPs are known to be composed of the Bagobo and its subtribes namely the Ubo, Jangan, and Tagabawa or Bawa who reside within or are substantially dependent upon the protected area.
- o. *Legitimate private rights* refers to vested prior rights acquired in accordance with existing laws without taint of deceit, stealth, fraud or bad faith.
- p. *Management Plan* refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the Mt. Apo Natural Park in order to attain the objectives of this Act as stated in Section 2 hereof.
- q. *Non-government organizations* refers to nonstock, nonprofit organizations with qualifications and expertise and engaged in activities concerning community organizing and development or resource and environmental conservation, management and protection related to the protected area.
- r. *People's organization* refers to a group of people, which may be an association, cooperative, federation, or aggregation of individuals or groups, with an identifiable structure of decision-

making and accountability, established to undertake collective action to address community concerns and needs in relation to the protected area.

- s. *Protected area* refers 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.
- t. *Secretary* refers to the Secretary of the Department of Environment and Natural Resources (DENR).
- u. *Stakeholders* refers to individuals, communities, organizations or aggrupation of specific interests or sectors which have particular interest in the achievement of the objective of this Act or dependence, access, or utilization of resources within the protected area such as but not limited to the local government units, people’s organizations, non-government organizations, indigenous cultural communities, the DENR, and other concerned government agencies.
- v. *Sustainability or sustainable* refers to the use of components of biological diversity in a way and at a rate that does not lead to the decline in the species used, thereby maintaining its potential to meet the needs and aspirations of the present and future Filipino generations.
- w. *Tenured migrants* refers to individuals and households who have actually and continuously occupied public lands which are not alienable and disposable within the protected area before June 1, 1987 and are substantially dependent on the protected area for their livelihood.
- x. *Timber* refers to wood having an average diameter of at least 15 centimeters and a length of at least 1.5 meter in its unaltered state, or wood regardless of size, sawn or hewn on two or more sides usually referred to as flitch and all mangrove.

Sec 4. Scope. – The Mt. Apo Natural Park shall cover certain parcels of lands situated in the municipalities of Magpet and Makilala and City of Kidapawan in the Province of Cotabato; municipalities of Bansalan and Sta. Cruz and City of Digos in the Province of Davao del Sur, and in the City of Davao. The boundaries of the Mt. Apo Natural Park, containing an area of 549,744,724.32 square meters, more or less, subject to ground demarcation are as follows:

Beginning at a point marked “1” on the map and on the ground; being N 45° 36’ W about 4,044.877 meters from BCGS monument APO BL 29E 1953;

Corner	Line	Bearing	Distance	Corner Monument	Reference Location
1	1	N 54° 12’ E	543.89 meters	20 CM X 20 CM. Conc. Mon.	On ridge of Mt. Talomo range
2	2 3	S 56° 38’ E	5,595.16 meters	20 CM X 20 CM. Conc. Mon.	Bank of Talomo River
3	3 4	S 4° 33’ E	1,852.29 meters	20 CM X 20 CM. Conc. Mon.	Junction of Talomo River & Taguy Cr.
4	4 5	S 41° 18’ E	229.50 meters	20 CM X 20 CM. Conc. Mon.	Bank of Taguy Cr.
5	5 6	S 36° 28’ E	122.09 meters	20 CM X 20 CM. Conc. Monument	On Slope of ridge
6	6 7	S 40° 40’ E	515.88 meters	20 CM X 20 CM. Conc. Monument	On slope of ridge

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7	7 8	S 48° 30' W	338.66 meters	20 CM X 20 CM. Conc. Monument	On slope of ridge
8	8 9	S 56° 17' E	2,742.27 meters	20 CM X 20 CM. Conc. Monument	Bank of Saro River
9	9 10	S 85° 53' E	1,745.00 meters	20 CM X 20 CM. Conc. Monument	Bank of Saro River
10	10 11	S 31° 47' W	3,166.44 meters	20 CM X 20 CM. Conc. Mon.	Junct.of Lipadas River & Saro River
11	11 12	S 22° 00' E	475.14 meters	20 CM X 20 CM. Conc. Mon.	Bank of Lipadas River
12	12 13	N 77° 00' E	350.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
13	13 14	S 30° 00' E	235.12 meters	20 CM X 20 CM. Conc. Mon.	Bank of Longon 1 Creek
14	14 15	N 63° 19' E	1,266.50 meters	20 CM X 20 CM. Conc. Mon.	Bank of Longon 2 Creek
15	15 16	S 66° 42' E	504.80 meters	20 CM X 20 CM. Conc. Mon.	Junct. of Longon 2 Cr. & Alano Cr.
16	16 17	S 53° 40' W	968.03 meters	20 CM X 20 CM. Conc. Mon.	Bank of Tagurano Creek
17	17 18	S 41° 47' W	695.66 meters	20 CM X 20 CM. Conc. Mon.	On ridge near trail
18	18 19	S 51° 28' W	469.85 meters	20 CM X 20 CM. Conc. Mon.	Bank of Lapuy Creek
19	19 20	S 62° 41' W	505.11 meters	20 CM X 20 CM. Conc. Mon.	Bank of Lapuy Creek
20	20 21	S 50° 00' E	213.77 meters	20 CM X 20 CM. Conc. Mon.	Bank of Lapuy Creek
21	21 22	S 14° 00' E	395.50 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
22	22 23	N 72° 16' E	280.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of Gumate Creek
23	23 24	S 68° 59' E	465.05 meters	20 CM X 20 CM. Conc. Mon	Bank of Gumate Creek
24	24 25	N 47° 06' E	420.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of Gumate Creek
25	25 26	S 77° 13' E	440.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of Gumate Creek
26	26 27	S 05° 15' W	340.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of Gumate Creek

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27	27 28	S 05° 15' W	339.64 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge near Bulakan
28	28 29	N 73° 59' E	455.24 meters	20 CM X 20 CM. Conc. Mon.	Bank of Walaway Creek
29	29 30	S 84° 56' E	817.53 meters	20 CM X 20 CM. Conc. Mon.	Bank of Walaway Creek
30	30 31	S 70° 48' W	1,888.69 meters	20 CM X 20 CM. Conc. Mon.	Junct. of Bato River & Walaway Creek
31	31 32	S 04° 00' W	220.55 meters	20 CM X 20 CM. Conc. Mon.	Bank of Bato River
32	32 33	S 22° 00' W	470.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
33	33 34	S 22° 00' W	530.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
34	34 35	S 22° 00' W	300.00 meters	20 CM X 20 CM. Conc. Mon.	On slope/side of trail
35	35 36	S 85° 00' W	400.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
36	36 37	Due South	601.96 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
37	37 38	S 53° 28' E	353.22 meters	20 CM X 20 CM. Conc. Mon.	North bank of Baracatan River
38	38 39	S 22° 40' W	258.01 meters	20 CM X 20 CM. Conc. Mon.	North bank of Baracatan River
39	39 40	S 22° 40' W	298.88 meters	20 CM X 20 CM. Conc. Mon.	On slope south of Cucob Creek
40	40 41	S 22° 41' W	101.57 meters	20 CM X 20 CM. Conc. Mon.	On slope near DENR office bldg.
41	41 42	S 34° 00' E	125.00 meters	20 CM X 20 CM. Conc. Mon.	On bank of gully
42	42 43	S 10° 00' W	350.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
43	43 44	S 21° 00' W	600.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
44	44 45	S 36° 00' W	600.00 meters	20 CM X 20 CM. Conc. Mon.	North bank of Madalambaog Cr.
45	45 46	N 78° 10' W	860.59 meters	20 CM X 20 CM. Conc. Mon.	North bank of Dolis Creek
46	46 47	S 03° 31' W	189.10 meters	A point	At source of Bidaran Creek

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47	47 48	S 03° 32' W	310.32 meters	STAKE	On slope of ridge
48	48 49	S 37° 46' E	2,405.34 meters	STAKE	On slope of ridge
49	49 50	S 07° 57' E	448.82 meters	STAKE	On slope of ridge
50	50 51	S 52° 25' E	479.94 meters	A point	At bank of Cabarisan Creek
51	51 52	S 17° 25' W	891.71 meters	A point	At bank of Cabarisan Creek
52	52 53	S 02° 03' E	1,297.30 meters	STAKE	On slope of ridge W. of Balusong Cr.
53	53 54	S 75° 03' E	954.26 meters	STAKE	On slope of ridge E. of Balusong Cr.
54	54 55	N 56° 54' E	1,346.63 meters	STAKE	On slope of ridge
55	55 56	S 67° 28' E	1,856.12 meters	STAKE	On slope of ridge E. of Ligi Creek
56	56 57	S 15° 31' E	1,963.46 meters	STAKE	On bank of Bunawan Cr.
57	57 58	S 57° 14' E	1,251.26 meters	STAKE	On slope of ridge
58	58 59	S 31° 51' E	2,370.84 meters	STAKE	On slope of ridge
59	59 60	S 19° 04' W	1,626.45 meters	STAKE	On slope of ridge
60	60 61	S 10° 34' E	739.39 meters	STAKE	On slope of Kabayawa Ridge
61	61 62	S 43° 16' W	2,752.97 meters	STAKE	On slope of Patulangon Ridge
62	62 63	N 36° 44' W	2,090.86 meters	STAKE	On slope of Lubo Ridge
63	63 64	N 64° 18' W	457.09 meters	STAKE	Bank of Latong Creek
64	64 65	S 83° 11' W	892.99 meters	STAKE	On slope of Luay Ridge
65	65 66	S 53° 45' W	1,566.66 meters	STAKE	On slope of ridge
66	66 67	S 04° 21' W	1,713.10 meters	STAKE	N. bank of Pilan Creek

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67	67 68	S 89° 58' W	1,829.53 meters	STAKE	On slope of ridge
68	68 69	S 79° 40' W	355.08 meters	STAKE	On slope of ridge
69	69 70	N 34° 57' W	1,040.41 meters	STAKE	On slope of ridge
70	70 71	S 59° 05' W	1,180.96 meters	STAKE	On slope of ridge
71	71 72	N 71° 35' W	511.08 meters	STAKE	On slope of ridge
72	72 73	S 42° 59' W	399.11 meters	STAKE	On bank of Calagan
73	73 74	S 39° 02' W	398.93 meters	20 CM X 20 CM. Conc. Mon.	On bank of Calagan Creek
74	74 75	S 22° 37' E	1,480.46 meters	20 CM X 20 CM. Conc. Mon.	Junct. of Calagan Cr. & Ruparan River
75	75 76	S 12° 52' E	1,103.10 meters	20 CM X 20 CM. Conc. Mon.	Bank of Ruparan River
76	76 77	S 44° 46' E	1,166.20 meters	20 CM X 20 CM. Conc. Mon.	Bank of Ruparan River
77	77 78	S 02° 18' W	2,075.31 meters	20 CM X 20 CM. Conc. Mon.	Bank of Ruparan River
78	78 79	S 62° 17' W	1,386.05 meters	20 CM X 20 CM. Conc. Mon.	Bank of Ruparan River
79	79 80	N 49° 54' W	1,109.34 meters	20 CM X 20 CM. Conc. Mon.	Bank of Ruparan River
80	80 81	N 36° 01' W	1,216.78 meters	STAKE	On slope of ridge
81	81 82	N 24° 39' W	672.95 meters	STAKE	On bank of Bidarag Creek
82	82 83	N 63° 53' W	1,223.94 meters	STAKE	On slope of ridge
83	83 84	N 42° 21' W	890.68 meters	STAKE	On east bank of Calamagan Creek
84	84 85	N 43° 58' W	528.01 meters	STAKE	On east bank of Napan Creek
85	85 86	N 86° 49' W	903.14 meters	STAKE	On slope of ridge
86	86 87	S 61° 39' W	428.68 meters	STAKE	On slope of ridge

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87	87 88	N 89° 34' W	798.06 meters	STAKE	On slope of ridge
88	88 89	S 52° 09' W	502.97 meters	STAKE	On bank of intermittent creek.
89	89 90	S 26° 19' W	867.72 meters	STAKE	On slope of ridge
90	90 91	N 84° 54' W	1,918.83 meters	STAKE	Slope of ridge west of Balabag Creek
91	91 92	S 82° 42' W	1,921.99 meters	STAKE	On slope of ridge
92	92 93	N 78° 21' W	767.59 meters	STAKE	Slope of ridge west of Sinawilan Creek
93	93 94	S 88° 37' W	352.11 meters	STAKE	On bank of Miral River
94	94 95	N 27° 59' W	1,076.23 meters	STAKE	Slope of ridge west of Miral River
95	95 96	N 57° 56' W	564.60 meters	STAKE	On slope of ridge
96	96 97	N 00° 09' W	487.82 meters	STAKE	On slope of ridge
97	97 98	N 53° 47' W	3,390.96 meters	STAKE	On slope of ridge
98	98 99	N 46° 16' E	2,359.60 meters	STAKE	On slope of ridge
99	99 100	N 20° 46' W	3,193.79 meters	STAKE	Slope of ridge east of Marber River
100	100 101	N 01° 19' W	1,032.99 meters	STAKE	On slope of ridge
101	101 102	N 46° 52' W	542.18 meters	STAKE	Slope of ridge east of Darapuy River
102	102 103	N 76° 48' W	320.53 meters	STAKE	East bank of Balugan River
103	103 104	N 82° 47' W	672.03 meters	STAKE	East bank of Balugan River
104	104 105	N 50° 00' W	1,791.19 meters	STAKE	Slope of ridge west of Balugan River
105	105 106	N 05° 06' W	2,161.48 meters	STAKE	Slope of ridge west of Bulatukan River
106	106 107	N 12° 56' W	2,053.92 meters	STAKE	On slope of ridge

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107	107 108	N 06° 24' E	1,348.10 meters	STAKE	On slope of ridge
108	108 109	N 16° 02' E	1,893.96 meters	STAKE	On slope of ridge
109	109 110	N 37° 47' W	506.92 meters	STAKE	On slope of ridge
110	110 111	N 01° 27' W	417.96 meters	STAKE	On slope of ridge
111	111 112	S 86° 13' E	971.65 meters	STAKE	Bank of Saguing River
112	112 113	N 69° 21' E	487.24 meters	STAKE	Slope of ridge north of Saguing River
113	113 114	N 38° 07' E	293.20 meters	STAKE	On slope of ridge
114	114 115	N 64° 57' E	510.64 meters	STAKE	On slope of ridge
115	115 116	N 78° 35' E	281.30 meters	STAKE	On slope of ridge
116	116 117	N 41° 59' E	598.15 meters	STAKE	On slope of ridge
117	117 118	N 05° 58' E	788.39 meters	STAKE	On slope of ridge
118	118 119	N 59° 45' E	558.02 meters	STAKE	Slope of ridge south of Kinatilan River
119	119 120	N 89° 00' E	1,633.62 meters	STAKE	Slope of ridge north of Kinatilan River
120	120 121	S 37° 48' W	820.01 meters	STAKE	Ident. to cor.4 Geo- thermal reservation
121	121 122	S 52° 12' E	4,274.96 meters	20 CM X 20 CM. Conc. Mon.	Ident. to cor. 4 Geo- thermal reservation
122	122 123	N 37° 48' E	1,640.01 meters	20 CM X 20 CM. Conc. Mon.	Ident. to cor. 3 Geo- thermal reservation
123	123 124	N 52° 12' W	3,654.96 meters	20 CM X 20 CM. Conc. Mon.	Ident. to cor. 2 Geo- thermal reservation
124	124 125	N 29° 51' E	92.42 meters	STAKE	On slope of ridge
125	125 126	N 46° 58' W	615.63 meters	20 CM X 20 CM. Conc. Mon.	Bank of Marver River
126	126 127	N 14° 02' E	371.07 meters	STAKE	On slope of ridge

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127	127 128	N 61° 23' W	751.84 meters	STAKE	Bank of Marver River
128	128 129	N 9° 47' E	588.56 meters	STAKE	Bank of Marver River
129	129 130	N 51° 09' W	1,734.11 meters	STAKE	Bank of Marver River
130	130 131	N 71° 09' E	3,615.81 meters	STAKE	Bank of Marver River
131	131 132	N 67° 46' E	2,259.01 meters	STAKE	On slope of ridge
132	132 133	N 83° 22' E	1,398.22 meters	STAKE	On slope of ridge
133	133 134	N 23° 16' E	1,803.49 meters	STAKE	On slope of ridge
134	134 135	N 88° 20' E	450.06 meters	20 CM X 20 CM. Conc. Mon	On slope of ridge
135	135 136	N 88° 56' E	437.43 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
136	136 137	N 89° 20' E'	314.90 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
137	137 1	N 58° 07' E	460.37 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge

A parcel of land containing 7,010,000.00 sq. m., which was declared as a geothermal reservation, under the jurisdiction, control, and administration of the Philippine National Oil Company (PNOC) by virtue of its prior vested rights under Proclamation No. 853 of January 30, 1992 in conjunction with Executive Order No. 223, is hereby excluded from the Park: *Provided*, That in line with PNOC's environmental and watershed management program, PNOC shall assist in the protection and management of the Mt. Apo Natural Park in the form of direct assistance in reforestation and other preservation activities in the Park that may be identified: *Provided, further*, That the PNOC geothermal reservation shall automatically revert to and form part of the Park upon cessation of PNOC operations in the excluded area.

In view of the crucial role of power generation to the national economy, plans and activities of the PNOC geothermal project related to support facilities, back-up or new transmission lines, stabilizing and power-enhancing substations, and other auxiliary support facilities which are vital to the environmental sustainability and energy security of Mindanao shall be implemented within designated buffer zones subject to approval of the Protected Area Management Board (PAMB) and by appropriate government agencies in line with the national mandate on the development of indigenous sources of energy.

SEC. 5. Establishment of Buffer Zones. – Buffer zones of the Mt. Apo Natural Park are hereby established through this Act pursuant to Section 8 of the NIPAS Act to serve as additional peripheral layer of protection to the protected area by providing regulated benefits and livelihood opportunities to local

communities to build a strong social fence to the protected area. The boundary of the buffer zones, subject to ground demarcation is hereby described as follows:

Buffer Zone, Parcel 1

A parcel of land containing an area of 25,357,266.07 square meters, more or less, declared as Buffer Zone Parcel (1), beginning at a point marked "1" on the map and on the ground being identical to point 45 of Mt. Apo Natural Park;

Corner	Line	Bearing	Distance	Corner Monument	Reference Location
1	1 2	S 41° 36' E	661.87 meters	20 CM X 20 CM. Conc. Mon.	Identical to Cor. 45, MANP
2	2 3	S 77° 42' E	833.66 meters	20 CM X 20 CM. Conc. Mon.	Bank of Dolis
3	3 4	S 42° 24' E	836.15 meters	20 CM X 20 CM. Conc. Mon.	Bank of Dolis Cr.
4	4 5	S 03° 34' E	321.07 meters	20 CM X 20 CM. Conc. Mon.	Bank of Dolis Cr.
5	5 6	S 18° 10' E	730.66 meters	20 CM X 20 CM. Conc. Monument	Bank of Dolis Cr.
6	6 7	S 18° 26' E	339.89 meters	20 CM X 20 CM. Conc. Monument	On slope of ridge
7	7 8	S 82° 39' W	417.92 meters	20 CM X 20 CM. Conc. Monument	On slope of ridge
8	8 9	S 09° 10' E	310.47 meters	20 CM X 20 CM. Conc. Monument	Slope of ridge east of Bidaran Cr.
9	9 10	S 24° 53' E	380.30 meters	20 CM X 20 CM. Conc. Monument	On slope of ridge east of Bidaran Cr.
10	10 11	S 62° 48' W	224.29 meters	20 CM X 20 CM. Conc. Mon.	South bank of Sibulan River
11	11 12	N 85° 19' W	336.62 meters	20 CM X 20 CM. Conc. Mon.	Slope of ridge South of Sibulan R
12	12 13	S 01° 11' W	375.08 meters	20 CM X 20 CM. Conc. Mon.	Slope of ridge south of Sibulan R
13	13 14	S 08° 07' W	404.04 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
14	14 15	S 11° 19' W	458.91 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
15	15 16	S 46° 18' E	372.74 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge

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16	16 17	N 39° 11' E	561.26 meters	20 CM X 20 CM. Conc. Mon.	Bank of creek
17	17Â 18	S 59° 29' E	430.30 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
18	18 19	N 19° 26' E	493.07 meters	20 CM X 20 CM. Conc. Mon.	Bank of creek
19	19 20	N 34° 38' E	365.18 meters	20 CM X 20 CM. Conc. Mon.	Bank of creek
20	20 21	N 73° 58' E	355.76 meters	20 CM X 20 CM. Conc. Mon.	Bank of creek
21	21 22	S 51° 06' E	365.68 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
22	22 23	S 27° 12' E	393.63 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
23	23 24	S 31° 19' E	403.97 meters	20 CM X 20 CM. Conc. Mon.	Bank of creek
24	24 25	N 80° 11' E	411.17 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
25	25 26	S 87° 57' E	281.29 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
26	26 27	N 86° 51' E	459.34 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
27	27 28	S 11° 54' E	260.64 meters	20 CM X 20 CM. Conc. Mon.	Bank of creek
28	28 29	N 77° 49' E	173.99 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
29	29 30	S 28° 55' E	323.34 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
30	30 31	S 06° 25' W	668.48 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
31	31 32	S 19° 55' E	550.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of Gully
32	32 33	S 19° 55' E	501.50 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
33	33 34	S 75° 34' E	450.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of creek
34	34 35	S 75° 34' E	437.65 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
35	35 36	S 45° 41' E	689.53 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge

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36	36 37	S 04° 35' E	503.90 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
37	37 38	S 35° 56' E	690.28 meters	20 CM X 20 CM. Conc. Mon.	Bank of creek
38	38 39	S 35° 08' E	571.52 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
39	39 40	S 39° 35' E	661.89 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
40	40 41	S 15° 24' W	430.07 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
41	41 42	S 26° 55' W	360.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
42	42 43	S 26° 55' W	363.76 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
43	43 44	S 29° 32' W	350.00.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
44	44 45	S 29° 32' W	354.77 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
45	45 46	S 16° 11' E	499.72 meters	20 CM X 20 CM. Conc. Mon.	Slope of ridge south of Coronado R
46	46 47	S 32° 56' E	709.62 meters	20 CM X 20 CM. Conc. Mon.	south of Coronado R Kabayawa Hill
47	47 48	S 48° 14' W	660.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of Kabayawa Hill
48	48 49	S 48° 14' W	659.27 meters	20 CM X 20 CM. Conc. Mon.	On slope of Patulangon Ridge
49	49 50	S 24° 30' W	194.89 meters	20 CM X 20 CM. Conc. Mon.	On slope of Patulangon Ridge
50	50 51	S 18° 29' W	433.68 meters	20 CM X 20 CM. Conc. Mon.	Bank of dry creek
51	51 52	S 39° 49' W	70.76 meters	28 CM X 20 CM. Conc. Mon.	On slope of Batuto Ridge
52	52 53	S 70° 59' W	647.65 meters	20 CM X 20 CM. Conc. Mon.	Bank of Batuto Creek
53	53 54	S 43° 29' W	619.66 meters	20 CM X 20 CM. Conc. Mon.	On slope of Tacub Ridge
54	54 55	S 00° 14' W	689.66 meters	20 CM X 20 CM. Conc. Mon.	On slope of west of Tacub Creek
55	55 56	80° 29' W	660.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge E.

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56	56 57	S 80° 29' W	659.92 meters	20 CM X 20 CM. Conc. Mon.	Bank of Lubo Creek
57	57 58	N 05° 26' W	869.59 meters	20 CM X 20 CM. Conc. Mon.	On slope east of Latong Creek
58	58 59	S 73° 19' W	660.00 meters	20 CM X 20 CM. Conc. Mon.	On slope west of Latong Creek
59	59 60	S 73° 19' W	659.27 meters	20 CM X 20 CM. Conc. Mon.	Bank of Pinanlilok
60	60 61	N 14° 45' W	410.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
61	61 62	N 14° 45' W	409.62 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
62	62 63	N 14° 45' W	574.74 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
63	63 64	N 87° 16' W	529.73 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
64	64 65	S 26° 34' W	699.64 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
65	65 66	S 06° 26' E	279.85 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
66	66 67	S 19° 46' E	579.69 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
67	67 68	S 02° 59' W	510.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
68	68 69	S 02° 59' W	509.46 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
69	69 70	N 71° 57' W	520.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
70	70 71	N 71° 57' W	521.71 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
71	71 72	S 79° 46' W	400.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
72	72 73	S 79° 46' W	401.59 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
73	73 74	S 83° 36' W	510.67 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
74	74 75	N 74° 40' W	400.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
75	75 76	N 74° 40' W	402.30 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge

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76	76 77	N 35° 49' W	390.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
77	77 78	N 35° 49' W	395.22 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
78	78 79	N 65° 42' W	500.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
79	79 80	S 65° 42' W	500.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
80	80 81	S 65° 42' W	498.05 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
81	81 82	N 27° 45' W	239.90 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
82	82 83	N 42° 45' W	309.87 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
83	83 84	N 42° 59' E	399.11 meters	20 CM X 20 CM. Conc. Mon.	Identical to cor. 73, MANP
84	84 85	S 71° 35' E	511.08 meters	STAKE	Identical to cor. 72, MANP
85	85 86	N 59° 05' E	1,180.97 meters	STAKE	Identical to cor. 71, MANP
86	86 87	S 34° 57' E	1,040.41 meters	STAKE	Identical to cor. 70, MANP
87	87 88	N 79° 40' E	355.08 meters	STAKE	Identical to cor. 69, MANP
88	88 89	N 89° 58' E	1,829.53 meters	STAKE	Identical to cor. 68, MANP
89	89 90	N 04° 21' E	1,713.10 meters	STAKE	Identical to cor. 67, MANP
90	90 91	N 53° 45' E	1,566.66 meters	STAKE	Identical to cor. 66, MANP
91	91 92	N 83° 11' E	892.99 meters	STAKE	Identical to cor. 65, MANP
92	92 93	S 64° 18' E	457.09 meters	STAKE	Identical to cor. 64, MANP
93	93 94	S 35° 44' E	2,090.86 meters	STAKE	Identical to cor. 63, MANP
94	94 95	N 43° 16' E	2,752.96 meters	STAKE	Identical to cor. 62, MANP
95	95 96	N 10° 34' W	739.39 meters	STAKE	Identical to cor. 61, MANP

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96	96 97	N 19° 04' E	1,626.45 meters	STAKE	Identical to cor. 60, MANP
97	97 98	N 31° 51' W	2,370.84 meters	STAKE	Identical to cor. 59, MANP
98	98 99	N 57° 14' W	1,251.26 meters	STAKE	Identical to cor. 58, MANP
99	99 100	N 15° 31' W	1,963.46 meters	STAKE	Identical to cor. 57, MANP
100	100 101	N 67° 28' W	1,856.12 meters	STAKE	Identical to cor. 56, MANP
101	101 102	N 56° 54' W	1,346.63 meters	STAKE	Identical to cor. 55, MANP
102	102 103	N 75° 03' W	954.26 meters	STAKE	Identical to cor. 54, MANP
103	103 104	N 02° 03' E	1,297.30 meters	STAKE	Identical to cor. 53, MANP
104	104 105	N 17° 25' E	891.71 meters	STAKE	Identical to cor. 52, MANP
105	105 106	N 52° 25' W	479.94 meters	STAKE	Identical to cor. 51, MANP
106	106 107	N 07° 57' W	448.82 meters	STAKE	Identical to cor. 50, MANP
107	107 108	N 37° 46' W	2,405.84 meters	STAKE	Identical to cor. 49, MANP
108	108 109	N 08° 32' E	510.52 meters	STAKE	510.52 meters 48, MANP
109	109 110	N 03° 31' E	189.10 meters	STAKE	Identical to cor. 47, MANP
110	1	S 78° 10' E	860.59 meters	STAKE	Identical to cor. 46, MANP

Buffer Zone, Parcel 2

A parcel of land containing an area of 65,423,921.15 square meters, more or less, declared as Buffer Zone Parcel (2), beginning at a point marked "1" on the map and on the ground being identical to point 79 of the Mt. Apo Natural Park:

Corner	Line	Bearing	Distance	Corner Monument	Reference Location
1	1 2	S 08° 17' W	1,070.03 meters	20 CM X 20 CM. Conc. Mon.	Identical to cor. 79, MANP
2	2 3	N 43° 20' W	400.00 meters	20 CM X 20 CM. Conc. Mon.	West Bank of Ruparan River

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3	3 4	N 43° 20' W	400.00 meters	20 CM X 20 CM. Conc. Mon.	On land planted w/ sugarcane
4	4 5	N 43° 20' W	400.00 meters	20 CM X 20 CM. Conc. Mon.	On land planted w/ sugarcane
5	5 6	N 43° 20' W	400.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
6	6 7	N 43° 20' W	481.82 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
7	7 8	N 64° 55' W	481.88 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
8	8 9	N 37° 49' W	450.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
9	9 10	N 37° 49' W	450.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
10	10 11	N 37° 49' W	450.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
11	11 12	N 37° 49' W	450.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
12	12 13	N 37° 49' W	513.33 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land unknown cr.
13	13 14	N 52° 51' W	491.88 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land west of Guna River
14	14 15	S 82° 03' W	370.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land west of Guna
15	15 16	S 82° 03' W	369.74 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
16	16 17	N 56° 46' W	385.52 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
17	17 18	S 13° 22' W	369.51 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
18	18 19	S 55° 35' W	472.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
19	19 20	S 55° 35' W	472.80 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
20	20 21	N 86° 04' W	481.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
21	21 22	N 86° 04' W	480.59 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
22	22 23	N 67° 37' W	319.45 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land

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23	23 24	S 28° 18' W	474.00 meters	20 CM X 20 CM. Conc. Mon	On cultivated land
24	24 25	S 28° 18' W	474.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
25	25 26	S 28° 18' W	473.60 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
26	26 27	S 44° 36' W	552.24 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
27	27 28	S 44° 36' W	552.24 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
28	28 29	S 89° 33' W	556.05 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
29	29 30	S 89° 33' W	556.06 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
30	30 31	N 27° 27' W	457.18 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
31	31 32	N 70° 38' W	666.55 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
32	32 33	S 70° 38' W	405.88 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
33	33 34	S 70° 38' W	405.88 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
34	34 35	N 56° 22' W	576.53 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
35	35 36	N 23° 06' W	432.74 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
36	36 37	N 23° 06' W	432.74 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
37	37 38	N 57° 13' W	255.53 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
38	38 39	N 21° 36' W	597.70 meters	20 CM X 20 CM. Conc. Mon.	Bank of Moral River
39	39 40	N 50° 06' W	544.26 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
40	40 41	N 50° 06' W	544.26 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
41	41 42	N 50° 06' W	544.26 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
42	42 43	N 54° 41' W	687.07 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land

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43	43 44	N 40° 08' W	679.01 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
44	44 45	S 88° 21' W	416.82 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
45	45 46	S 88° 21' W	416.82 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
46	46 47	N 50° 51' W	513.23 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
47	47 48	N 50° 51' W	513.24 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
48	48 49	N 07° 01' W	513.93 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
49	49 50	N 74° 47' W	387.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
50	50 51	N 45° 52' E	421.69 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
51	51 52	N 45° 52' E	421.69 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
52	52 53	N 45° 52' E	421.69 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
53	53 54	N 45° 52' E	421.69 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
54	54 55	N 45° 52' E	421.69 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
55	55 56	N 45° 52' E	421.69 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
56	56 57	N 45° 52' E	421.69 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
57	57 58	N 45° 52' E	421.69 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
58	58 59	N 45° 52' E	421.75 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
59	59 60	N 52° 38' W	219.42 meters	20 CM X 20 CM. Conc. Mon.	Bank of Matanao River
60	60 61	N 42° 16' W	325.45 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
61	61 62	N 37° 50' W	190.47 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
62	62 63	N 45° 15' W	335.05 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land

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63	63 64	N 16° 52' W	300.70 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
64	64 65	N 68° 18' W	239.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
65	65 66	N 64° 30' W	363.10 meter	20 CM X 20 CM. Conc. Mon.	On cultivated land
66	66 67	N 19° 38' W	372.02 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
67	67 68	N 56° 38' W	352.12 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
68	68 69	N 25° 48' E	544.59 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
69	69 70	N 41° 01' E	579.42 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
70	70 7	N 26° 30' W	374.40 meters	20 CM X 20 CM. Conc. Mon.	Bank of Darapuy River
71	71 72	N 29° 00' E	322.11 meters	20 CM X 20 CM. Conc. Mon.	Bank of Darapuy River
72	72 73	N 70° 53' W	145.26 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
73	73 74	N 74° 20' W	246.28 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
74	74 75	N 59° 14' W	226.30 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
75	75 76	S 60° 53' W	137.63 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
76	76 77	S 19° 37' W	241.07 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
77	77 78	N 52° 34' W	181.94 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
78	78 79	N 75° 07' W	227.31 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
79	79 80	N 76° 43' W	243.70 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
80	80 81	N 12° 20' E	322.03 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
81	81 82	N 06° 19' W	218.85 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
82	82 83	N 21° 48' W	339.70 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land

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83	83 84	N 66° 29' W	214.94 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
84	84 85	N 24° 22' W	228.13 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
85	85 86	N 59° 57' W	256.35 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
86	86 87	N 18° 47' W	306.65 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
87	87 88	S 29° 29' W	286.43 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
88	88 89	N 72° 20' W	358.85 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
89	89 90	N 81° 33' W	244.92 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
90	90 91	S 84° 26' W	223.56 meters	20 CM X 20 CM. Conc. Mon.	Bank of Bulatukan River
91	91 92	S 78° 36' W	247.51 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
92	92 93	N 53° 38' W	228.94 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
93	93 94	N 44° 45' W	275.67 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
94	94 95	N 58° 46' E	574.34 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
95	95 96	N 13° 32' E	326.12 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
96	96 97	N 06° 10' W	223.82 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
97	97 98	N 61° 40' E	606.13 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
98	98 99	N 02° 49' E	334.72 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
99	99 100	N 38° 06' W	261.89 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
100	100 101	N 37° 53' W	295.47 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
101	101 102	N 22° 23' W	92.47 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
102	102 103	N 10° 34' W	226.44 meters	20 CM X 20 CM Conc. Mon.	On cultivated land

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103	103 104	N 10° 56' W	206.41 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
104	104 105	N 39° 56' W	147.19 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
105	105 106	N 13° 11' W	172.15 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
106	106 107	N 34° 10' W	163.59 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
107	107 108	N 31° 31' W	264.89 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
108	108 109	N 15° 34' E	189.16 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
109	109 110	N 23° 09' E	385.25 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
110	110 111	N 58° 23' W	120.01 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
111	111 112	N 34° 14' W	251.63 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
112	112 113	N 58° 56' W	180.44 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
113	113 114	N 34° 28' E	151.11 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
114	114 115	N 07° 21' W	264.73 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
115	115 116	N 03° 15' E	237.75 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
116	116 117	N 49° 07' E	209.00 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
117	117 118	N 25° 45' E	222.42 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
118	118 119	N 28° 28' E	116.28 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
119	119 120	N 14° 59' E	104.64 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
120	120 121	N 06° 57' E	235.53 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
121	121 122	N 29° 12' W	177.93 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
122	122 123	N 66° 00' W	204.78 meters	20 CM X 20 CM Conc. Mon.	On cultivated land

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123	123 124	N 18° 27' W	171.50 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
124	124 125	N 46° 55' W	187.45 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
125	125 126	N 63° 11' W	106.18 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
126	126 127	N 00° 15' E	84.97 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
127	127 128	N 34° 58' E	465.16 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
128	128 129	N 32° 48' E	246.11 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
129	129 130	N 32° 29' E	327.96 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
130	130 131	N 23° 13' E	409.96 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
131	131 132	N 35° 11' E	222.55 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
132	132 133	N 21° 54' E	352.23 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
133	133 134	N 25° 01' W	246.03 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
134	134 135	N 70° 28' W	158.87 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
135	135 136	N 36° 21' W	205.43 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
136	136 137	N 33° 49' E	320.92 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
137	137 138	N 36° 48' W	165.94 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
138	138 139	N 02° 55' E	107.58 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
139	139 140	N 08° 51' W	63.27 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
140	140 141	N 27° 50' W	84.97 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
141	141 142	N 54° 42' E	85.99 meters	20 CM X 20 CM. Conc. Mon.	Bank of Saging River
142	142 143	N 51° 47' W	995.32 meters	20 CM X 20 CM. Conc. Mon.	Bank of Saging River

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143	143 144	S 52° 57' W	1,357.05 meters	20 CM X 20 CM. Conc. Monument	Bank of Saging
144	144 145	N 39° 41' W	159.67 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
145	145 146	N 27° 03' E	537.59 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
146	146 147	N 44° 55' E	312.79 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
147	147 148	N 65° 50' E	356.78 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
148	148 149	N 26° 31' E	212.59 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
149	149 150	N 30° 55' E	342.88 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
150	150 151	N 48° 37' E	240.75 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
151	151 152	N 26° 48' W	269.36 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
152	152 153	N 35° 43' E	245.49 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
153	153 154	N 11° 04' W	254.86 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
154	154 155	N 15° 08' W	207.35 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
155	155 156	N 78° 41' W	598.44 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
156	156 157	N 01° 02' W	334.97 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
157	157 158	N 50° 10' E	267.83 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
158	158 159	N 42° 16' E	272.51 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
159	159 160	N 83° 25' E	294.48 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
160	160 161	N 46° 43' E	134.02 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
161	161 162	S 19° 11' E	202.00 meters	20 CM X 20 CM Conc. Mon.	On cultivated land
162	162 163	S 01° 34' W	44.03 meters	20 CM X 20 CM Conc. Mon.	On cultivated land

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163	163 164	S 80° 57' W	60.92 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
164	164 165	N 10° 53' W	39.72 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
165	165 166	N 84° 14' W	98.93 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
166	166 167	S 45° 46' E	30.96 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
167	167 168	S 12° 33' W	46.68 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
168	168 169	N 65° 03' E	38.04 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
169	169 170	N 87° 09' E	41.10 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
170	170 171	S 43° 08' E	30.14 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
171	171 172	S 67° 04' E	64.94 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
172	172 173	S 70° 40' E	33.39 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
173	173 174	N 77° 58' E	23.84 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
174	174 175	S 71° 30' E	161.36 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
175	175 176	S 58° 39' E	157.27 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
176	176 177	S 78° 44' E	66.91 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
177	177 178	S 72° 23' E	64.58 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
178	178 179	S 79° 12' E	58.92 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
179	179 180	S 77° 43' E	67.98 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
180	180 181	S 68° 51' E	19.51 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
181	181 182	S 69° 49' E	50.09 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
182	182 183	N 50° 04' E	32.34 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land

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183	183 184	N 69° 10' E	20.28 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
184	184 185	S 58° 54' E	75.80 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
185	185 186	N 64° 23' E	57.60 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
186	186 187	S 43° 04' E	22.41 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
187	187 188	N 57° 34' E	24.58 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
188	188 189	S 53° 42' E	58.57 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
189	189 190	S 79° 31' E	13.17 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
190	190 191	N 62° 55' E	36.16 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
191	191 192	S 88° 44' E	117.56 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
192	192 193	N 67° 40' E	23.06 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
193	193 194	S 34° 44' E	27.89 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
194	194 195	S 48° 29' E	34.71 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
195	195 196	N 05° 35' E	37.85 meters	20 CM X 20 CM. Conc. Mon. .	On cultivated land
196	196 197	N 03° 17' E	203.55 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
197	197 198	N 02° 38' E	196.27 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
198	198 199	S 88° 10' E	247.93 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
199	199 200	N 03° 09' E	203.35 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
200	200 201	S 89° 45' E	116.19 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
201	201 202	N 56° 33' E	342.40 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
202	202 203	N 17° 37' W	472.61 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land

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203	203 204	N 46° 29' E	325.93 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
204	204 205	N 37° 54' E	359.20 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
205	205 206	N 59° 08' E	507.88 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
206	206 207	N 56° 13' E	594.01 meters	20 CM X 20 CM. Conc. Mon.	On cultivated land
207	207 208	N 71° 34' E	920.68 meters	20 CM X 20 CM. Conc. Mon.	Bank of Marber River
208	208 209	N 74° 38' E	1,095.08 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
209	209 210	N 86° 40' E	480.75 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
210	210 211	N 34° 45' E	485.23 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
211	211 212	N 12° 39' E	511.75 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
212	212 213	N 81° 02' E	749.38 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
213	213 214	S 77° 43' E	695.02 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
214	214 215	N 55° 19' E	515.09 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
215	215 216	S 53° 51' E	502.87 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
216	216 217	S 52° 03' E	694.79 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
217	217 218	S 89° 45' E	507.80 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
218	218 219	S 44° 09' E	538.53 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
219	219 220	S 75° 49' E	746.71 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
220	220 221	N 61° 12' E	514.57 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
221	221 222	N 68° 17' E	511.94 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
222	222 223	N 14° 33' E	475.54 meters	20 CM X 20 CM. Conc. Mon.	Slope of ridge north of Kabacan River

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223	223 224	N 34° 18' E	548.94 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
224	224 225	N 64° 52' E	484.01 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
225	225 226	S 23° 16' W	1,803.49 meters	20 CM X 20 CM. Conc. Mon.	Identical to cor. 129, MANP
226	226 227	S 83° 22' W	1,398.22 meters	20 CM X 20 CM. Conc. Mon.	Identical to cor. 128, MANP
227	227 228	N 67° 46' W	2,259.01 meters	20 CM X 20 CM. Conc. Mon.	Identical to cor. 127, MANP
228	228 229	S 71° 09' W	3,615.81 meters	20 CM X 20 CM. Conc. Mon.	Identical to cor. 126, MANP
229	229 230	S 51° 09' E	1,734.11 meters	20 CM X 20 CM. Conc. Mon.	Identical to cor. 125, MANP
230	230 231	S 09° 47' W	588.56 meters	20 CM X 20 CM. Conc. Mon.	Identical to cor. 224, MANP
231	231 232	S 61° 23' E	751.84 meters	A point 01 Geothermal Res.	Identical to cor.
232	232 233	N 14° 02' W	371.07 meters	A point 04 Geothermal Res.	Identical to cor.
233	233 234	S 46° 58' E	615.63 meters	STAKE	Identical to cor. 119, MANP
234	234 235	S 29° 51' W	92.42 meters	STAKE	Identical to cor. 118, MANP
235	235 236	S 52° 12' W	620.00 meters	STAKE	Identical to cor. 117, MANP
236	236 237	S 37° 48' W	820.00 meters	STAKE	Identical to cor. 116, MANP
237	237 238	S 89° 00' W	1,633.62 meters	STAKE	Identical to cor. 115, MANP
238	238 239	S 59° 42' W	558.32 meters	STAKE	Identical to cor. 114, MANP
239	239 240	S 05° 58' W	788.39 meters	STAKE	Identical to cor. 113, MANP
240	240 241	S 41° 59' W	598.15 meters	STAKE	Identical to cor. 112, MANP
241	241 242	S 78° 35' W	281.30 meters	STAKE	Identical to cor. 111, MANP
242	242 243	S 64° 57' W	510.64 meters	STAKE	Identical to cor. 110, MANP

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243	243 244	S 38° 07' W	293.20 meters	STAKE	Identical to cor. 109, MANP
244	244 245	S 69° 21' W	487.24 meters	STAKE	Identical to cor. 108, MANP
245	245 246	N 86° 13' W	971.65 meters	STAKE	Identical to cor. 107, MANP
246	246 247	S 01° 27' E	417.96 meters	STAKE	Identical to cor. 106, MANP
247	247 248	S 37° 47' E	506.92 meters	STAKE	Identical to cor. 105, MANP
248	248 249	S 16° 02' W	1,893.96 meters	STAKE	Identical to cor. 104, MANP
249	249 250	S 06° 24' W	1,348.10 meters	STAKE	Identical to cor. 103, MANP
250	250 251	S 12° 56' E	2,053.92 meters	STAKE	Identical to cor. 102, MANP
251	251 252	S 05° 06' E	2,161.48 meters	STAKE	Identical to cor. 101, MANP
252	252 253	S 50° 00' E	1,791.19 meters	STAKE	Identical to cor. 100, MANP
253	253 254	S 82° 47' E	672.03 meters	STAKE	Identical to cor. 99, MANP
254	254 255	S 76° 48' E	320.53 meters	STAKE	Identical to cor. 98, MANP
255	255 256	S 46° 52' E	542.18 meters	STAKE	Identical to cor. 97, MANP
256	256 257	S 01° 19' E	1,032.99 meters	STAKE	Identical to cor. 96, MANP
257	257 258	S 20° 46' E	3,193.79 meters	STAKE	Identical to cor. 95, MANP
258	258 259	S 46° 16' W	2,359.62 meters	STAKE	Identical to cor. 94, MANP
259	259 260	S 53° 47' E	3,390.96 meters	STAKE	Identical to cor. 93, MANP
260	260 261	S 00° 09' E	487.82 meters	STAKE	Identical to cor. 92, MANP
261	261 262	S 57° 56' E	564.60 meters	STAKE	Identical to cor. 91, MANP
262	262 263	S 27° 59' E	1,076.23 meters	STAKE	Identical to cor. 90, MANP

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263	263 264	N 88° 37' E	352.11 meters	STAKE	Identical to cor. 89, MANP
264	264 265	S 78° 21' E	767.59 meters	STAKE	Identical to cor. 88, MANP
265	265 266	N 82° 42' E	1,921.99 meters	STAKE	Identical to cor. 87, MANP
266	266 267	S 84° 54' E	1,918.83 meters	STAKE	Identical to cor. 86, MANP
267	267 268	N 26° 19' E	867.72 meters	STAKE	Identical to cor. 85, MANP
268	268 269	N 52° 09' E	502.97 meters	STAKE	Identical to cor. 84, MANP
269	269 270	S 89° 34' E	798.06 meters	STAKE	Identical to cor. 83, MANP
270	270 271	N 61° 39' E	428.68 meters	STAKE	Identical to cor. 82, MANP
271	271 272	S 86° 49' E	903.14 meters	STAKE	Identical to cor. 81, MANP
272	272 273	S 43° 58' E	528.01 meters	STAKE	Identical to cor. 80, MANP
273	273 274	S 42° 21' E	890.68 meters	STAKE	Identical to cor. 79, MANP
274	274 275	S 63° 53' E	1,223.94 meters	STAKE	Identical to cor. 78, MANP
275	275 276	S 24° 39' E	672.95 meters	STAKE	Identical to cor. 77, MANP
276	276 277	S 36° 01' E	1,216.78 meters	STAKE	Identical to cor. 76, MANP
277	277 1	S 49° 54' E	1,109.34 meters	STAKE	Identical to cor. 75, MANP

A portion of land immediately adjacent to the PNOG Reservation Area outside the protected area and within the boundary of buffer zone parcel (2) as described in this section shall be allocated as an energy support zone for the sustenance of the existing geothermal installation to ensure the power security in the region. The boundary limits of the energy support zone shall be subject to ground delineation by the PAMB and said energy support zone shall be made part of the land use zoning of the park and its buffer zones: *Provided*, That other land uses compatible with geothermal energy shall be allowed within the energy support zone: *Provided, further*, That permits for geothermal activities within the energy support zone shall be secured pursuant to relevant forestry and environmental regulations: *Provided*, however, That geothermal exploration within the energy support zone for the purpose of increasing the power capacity of the existing project shall only be allowed through a law passed by Congress: *Provided, finally*, That areas within the energy support 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.

CHAPTER II

PROTECTED AREA MANAGEMENT

SECTION 6. Management Plan. – Within one year from the effectivity of this Act and in accordance with the General Management Planning Strategy as provided in the NIPAS Act, there shall be a Management Plan to be prepared by the Office of the Protected Area Superintendent (PASu) in coordination with the local communities, indigenous cultural communities/indigenous peoples, local government units (LGUs), appropriate offices of the DENR, non-government and people' organizations, existing operators in the park and experts with socioeconomic, anthropological and ecological experience in the area. It shall contain, among others, the following:

- a. Period of applicability of the plan, preferably at least 15 years;
- b. Key management issues;
- c. Goals and objectives of management in support of Section 2 hereof;
- d. Site management strategy;
- e. Major management activities such as, but not limited to, enforcement of laws, biodiversity conservation habitat and wildlife management, sustainable use management, infrastructure development and maintenance, and fire and pest control;
- f. Establishment and delineation of zones and the regulated and/or prohibited activities therein, such as, but not limited to, multi-purpose use zones, buffer zones, recreational zones, strict protection zones and other special zones which can provide effective management of the protected area and promote sustainable development of all legitimate stakeholders. To avoid relocation, primary consideration shall be accorded to the traditional zones used which have been proven sustainable and in consonance with the biodiversity and protection of the natural characteristics of the protected area; and
- g. Visitor management programs.

The Management Plan shall be consistent with the nature of Mt. Apo 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 Secretary that it conforms to all laws 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. If any part or section of the Management Plan is inconsistent with existing laws, the Secretary shall certify to the other provisions of the plan that are consistent with the laws. Unless the Secretary accepts or adopts such inconsistent provisions, he/she shall notify the PAMB of the provisions that need modification or revision.

Two years before the expiration of the initial Management Plan, there shall be a subsequent plan to be prepared and submitted by the Office of the Protected Area Superintendent 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. In the same period, the Office of the Protected Area Superintendent shall cause the publication of notices for comments and suggestions on the proposed plan in a newspaper of local circulation and the actual posting of such notices in conspicuous places within the LGUs in the Mt. Apo Natural Park. The proposed new Management Plan shall be made available for public perusal in all agencies, offices, and organizations duly represented in the PAMB.

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In the event that no subsequent plan is adopted upon the expiration of the initial management plan, the latter shall remain in force subject to interim modifications that may be adopted by the PAMB.

SEC. 7. *The Protected Area Management Board.* – There shall be a Protected Area Management Board (PAMB) which shall serve as the highest policy-making body of the Mt. Apo Natural Park. It shall be composed of the following:

- a. The Regional Executive Director (RED) of DENR Region XI who shall sit as PAMB Chairman as provided for under Section 11(d) of the NIPAS Act;
- b. The RED of DENR Region XII or his/her duly designated permanent representative;
- c. The provincial governors of North Cotabato and Davao del Sur or their authorized permanent representatives;
- d. The Planning and Development Officers of Davao City and the provinces of Cotabato and Davao del Sur or their respective authorized permanent representative;
- e. The municipal/city mayors of Magpet, Makilala, Kidapawan, Bansalan, Sta. Cruz, Digos and Davao City or their respective authorized permanent representative;
- f. All barangay captains within the Mt. Apo Natural Park;
- g. Three representatives from the indigenous cultural communities, composed of one representative from each of the three subtribes (*Jangan, Ubo and Tagabawa*) in Mt. Apo subject to increases upon determination of the existence of other subtribes based on an ethnographic study to be conducted by an independent institution or academe and validated by the National Commission for Indigenous Peoples (NCIP);
- h. A maximum of eight representatives from people's organizations (POs) and non-government organizations (NGOs);
- i. Representatives from national government agencies operating within the protected area which can potentially contribute to protected area management; and
- j. Other stakeholders who can potentially assist and contribute in the protection, preservation, and conservation of the Mt. Apo Natural Park.

In the selection of representatives from people' and non-government organizations, the following criteria shall be primarily considered:

- a. active involvement in the ecological conservation, preservation, rehabilitation and protection of the protected area;
- b. great potential in community organizing and other development works;
- c. favorable track record in community work; and
- d. duly accredited by the LGU concerned and the DENR.

SEC. 8. *Term of Office of the PAMB Members.* – Every member of the PAMB shall serve for a term of five years: *Provided*, That he/she remains a member or employee of the sector or office he/she is representing. If a vacancy occurs, a new member shall be chosen in accordance with the original selection process; however, only the remaining term shall be served.

SEC. 9. Powers and Functions of the PAMB. – The PAMB of Mt. Apo Natural Park, being the highest policy-making body, shall have the following powers and functions:

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

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

SEC. 10. The Executive Committee of the PAMB. – There shall be an Executive Committee within the PAMB to which the latter may delegate some of its powers and functions. It shall be composed of the following:

- a. The Regional Executive Director (RED) of DENR Region XI who shall sit as Chairman;
- b. The RED of DENR Region XII or his/her duly designated permanent representative;
- c. The Planning and Development Officers of Cotabato, Davao Del Sur and Davao City or their authorized permanent representative as designated by the provincial governor/city mayor;
- d. The municipal/city mayors of Magpet, Makilala, Kidapawan, Bansalan, Sta. Cruz, Digos and Davao City or their authorized permanent representative;

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- e. One barangay captain from each of the municipalities of Magpet, Makilala, Bansalan, Sta. Cruz, and cities of Kidapawan, Digos, and Davao, selected from among themselves;
- f. Three representatives of the indigenous cultural communities representing Davao City, North Cotabato and Davao del Sur;
- g. Three representatives of people' organizations (POs) representing Davao City, North Cotabato and Davao del Sur;
- h. Three representatives of NGOs representing Davao City, North Cotabato and Davao del Sur; and
- i. One representative each from the national government agencies and relevant stakeholders described in Section 7(i) hereof.

SEC. 11. *The Protected Area Superintendent Office.* – There shall be a Protected Area Superintendent Office for Mt. Apo Natural Park within the DENR headed by the Protected Area Superintendent who shall serve as the chief operating officer of the protected area. The Protected Area Superintendent Office shall have the following powers and functions:

A. *Administrative*

1. Serve as chief administrative officer of the protected area for the purpose of implementing the Management Plan as detailed in the annual work program;
2. Establish a productive partnership with the local community, including groups, in the planning, protection and management of the protected area;
3. Ensure the performance and good morale of his staff;
4. Ensure the proper utilization of annual budget allocations and the proper disposition of fees and other funds generated within the protected area;
5. Develop and implement a park information, education and visitor program;
6. Develop and implement a natural history documentation program and to oversee research that may be conducted within the area;
7. Integrate the roles of NGO and DENR staff in the operation of the area; and
8. Document the processes involved in the establishment and management of the protected area, with particular reference to the development of relationships with cultural communities, tenured migrants, buffer zone residents and others in establishing effective protection of the area.

B. *Regulative*

1. To act as peace officer for the purpose of maintaining peace and order within the protected area. As peace officer, he shall exercise police supervision therein and may arrest any person found in any place within protected areas who is committing, has committed, or is about to commit an offense which is prohibited in this Act;
2. Enforce rules and regulations established to protect the area and preserve the area from trespass, damage, injury and illegal occupancy;
3. Require, when necessary, any person entering or passing through or any part of the protected area under his jurisdiction, to give the following information: name, address, the proposed

duration of stay inside the protected area and the portion which he intends to visit or has visited and such other information of similar nature as may be referred to him;

4. Summarily remove or eject from the area persons who have rendered themselves obnoxious by disorderly conduct or bad behavior or who have violated any of the regulations on the protected area;
5. Require persons cutting and/or gathering forest products or hunting or fishing within the protected area to produce, upon demand, authority or permit to do so;
6. Seize and confiscate timber or other forest products, game birds, animals, and fish, including instruments, tools and conveyances used inside the protected area by unlicensed persons, or if licensed, in violation of protected area laws, rules and regulations, and to report them in accordance with the present rules, regulations and guidelines issued by the Secretary concerning confiscation, seizure and disposition of illegally cut, gathered, transported forest products, and other natural resources and confiscated wildlife; and
7. Perform such other powers and duties as may from time to time be prescribed by higher authorities.

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

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

CHAPTER III

ANCESTRAL DOMAIN AND TENURED MIGRANTS

SECTION 12. *Ancestral Lands and Domain.* – The rights of indigenous cultural communities to their ancestral domains shall be fully recognized subject to Section 56 of the IPRA. Traditional property regimes exercised by indigenous cultural communities in accordance with their customary laws shall govern the relationships of all individuals within their communities with respect to all lands and resources found within ancestral lands.

Indigenous cultural communities may apply for Certificates of Ancestral Domain Title (CADT) as provided in the IPRA. The provisions of this Act shall be construed liberally in favor of the indigenous cultural communities in accordance with the conservation and preservation objectives of the Mt. Apo Natural Park and its resources.

Nothing herein shall be construed to impair or diminish prior or existing rights currently enjoyed by the indigenous cultural communities as provided by existing laws. Permits, licenses or authorities required by this Act or any other statutes concerning the continued use, extraction or exploitation of forest products and/or possession or occupation of land within the protected area shall not be unnecessarily withheld from the indigenous cultural communities by the granting authority.

SEC. 13. *Tenured Migrants.* – Tenured migrants shall be eligible to become stewards of portions of lands within the designated buffer and multiple-use zones. The PAMB shall identify, verify and, subject to Section 56 of the IPRA, review all tenure instrument, land claims, and issuance of permits for resource use within the protected area and recommend the issuance of the appropriate tenure instrument consistent with the land classification, proper and allowed use of resources found therein, and zoning provided in the management or successor plans. Farmers who have been cultivating land within the

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protected area are considered to be occupying such lands and shall be entitled to a tenure instrument limited to cultivation and residence: *Provided*, That the rights under such can only be transferred to direct descendants.

Nothing herein shall be construed to mean any diminution of accrued rights earned by tenured migrants. If areas occupied by tenured migrants are designated as zones in which no occupation or other activities are allowed, they shall be transferred to multiple-use zones or buffer zones to be accomplished through just and humane means.

In the event of termination of a tenure instrument for cause or by voluntary surrender of rights, the Protected Area Superintendent 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.

SEC. 14. Existing Rights.— All prior and property and private rights within the protected area and its buffer zones and the ancestral domains already existing and/or vested upon the effectivity of this Act shall be protected and respected in accordance with existing laws.

CHAPTER IV

PROHIBITED ACTS AND PENALTIES

SECTION 15. Special Prosecutor. – Within 30 days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations in the protected area shall be assigned. Such special prosecutor shall coordinate with the PAMB and the Protected Area Superintendent in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The PAMB shall periodically submit an evaluation of the performance of the designated special prosecutor to the Department of Justice.

SEC. 16. Prohibited Acts and Penalties.

- A. The penalties and qualifications prescribed in Articles 309, on Theft, and 310, on Qualified Theft, of the Revised Penal Code depending on the value of the resources involved in connection with the prohibited act shall be imposed upon any person who:
1. Hunts, takes, destroys, disturbs or possesses any timber, forest product, natural growing or wild terrestrial or aquatic plants, animals, flora or fauna or products derived therefrom, or any form of extraction or use of resources within particularly identified regulated or prohibited areas or zones in the protected area including private lands, without the necessary protected area permit, authorization or exemption, as issued or promulgated by the PAMB;
 2. Cuts, gathers, removes or collects timber or any forest products within particularly identified prohibited areas or zones in the protected area including private lands, without the necessary protected area permit, authorization or exemption, as issued or promulgated by the PAMB;
 3. Cuts, destroys any tree or shrubs or other erosion-preventing plants, or builds or introduces any structure that would cause erosion in riparian areas mentioned in Section 16 of Presidential Decree No. 705, as amended, or the Revised Forestry Code of the Philippines;
 4. Possesses outside the protected area any timber, forest products, wild terrestrial or aquatic plants, animals, flora or fauna so prohibited by the PAMB or products derived therefrom which is ascertained to have been taken from the protected area. It shall be presumed to have been taken from the protected area if the subject plant, animals, flora or fauna is found in possession

or control of persons who traveled to the protected area within 72 hours before the time of their arrest; and

5. Hunts, collects, removes, or destroys endangered or protected species, except when collection or removal is for scientific research and is so exempted from this prohibition by the PAMB.
- B. A fine ranging from One Hundred Thousand Pesos (P100,000) to Five Hundred Thousand Pesos (P500,000), or imprisonment ranging from five years to 10 years, or both, at the discretion of the court, and the restoration and rehabilitation of the damage or, when appropriate, the ejection therefrom, shall be imposed upon any person who:
1. Occupies, settles, or possesses any portion of the protected area, introduces improvements, agricultural or otherwise, or performs *kaingin* therein not sanctioned by law or without the proper permit and authority as required by the PAMB;
 2. Sells, buys, or offers to sell or buy any real property or rights within particularly identified regulated areas or zones in the protected area;
 3. Occupies or possesses any portion of lands within the protected area by using force, intimidation, threat, deceit or by taking advantage of the absence or tolerance of the rightful possessor, occupant, or claimant;
 4. Uses explosives, noxious substances, or electricity for fishing within the protected area. The possession of explosives, noxious or poisonous substances, electro-fishing devices and paraphernalia, or fish caught through explosives, noxious or poisonous substances or electricity within and nearby fishing areas or fishing boats shall constitute *prima facie* evidence that the possessor thereof committed the act herein prohibited;
 5. Destroys, damages, mutilates, defaces, or commits any act of vandalism on any object of natural beauty, object of anthropological or cultural importance, or nonrenewable resource within the protected area;
 6. Throws, discharges, or dumps within the protected zone any substance that is deleterious or potentially deleterious to the ecosystem or of the plants, animals or inhabitants in the protected and buffer areas, or committing same activities within the buffer zone without appropriate permit or authority;
 7. Alters, removes, destroys or defaces any boundary markers, monuments, or interpretative signs relating to the protected area;
 8. Causes damage to road, trails and pathways;
 9. Engages in any degree or form location/exploration, quarrying or extraction of mineral; and
 10. Obstructs or hinders the enforcement of this Act, its related laws, rules and regulations.
- C. A fine ranging from Five Thousand Pesos (P5,000) to One Hundred Thousand Pesos (P100,000), or imprisonment ranging from one year to six years, or both, at the discretion of the court, shall be imposed upon any person who:
1. Violates any rules and regulations promulgated by the PAMB or its duly authorized delegate or any agreement or commitment reached before the PAMB;
 2. Deals any product illegally derived from the protected area, such as, but not limited to, selling, buying, offering to sell or buy any timber, forest product, natural growing or wild terrestrial or aquatic plants, animals, flora or fauna or products derived therefrom or any resource from within particularly identified regulated or prohibited, areas or zones in the protected area

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without the necessary permit, authorization or exemption for the utilization, and/or extraction thereof as provided by this Act and other existing laws, rules and regulations;

3. Uses any equipment which facilitates extraction of resources, regardless of such intention or purpose within the protected area without the necessary protected area permit or authorization;
4. Leaves debris, refuse, or garbage in exposed or unsanitary condition anywhere within the protected area; and
5. Enters any portion of the protected area for purposes of mountain climbing, camping, spelunking, study, research or recreational visit without the necessary permit or authorization.

Administrative procedures for the investigation and validation of the violation shall be prepared by the PAMB in coordination with the appropriate bureaus of the DENR.

If the act is committed by a corporation, organization, partnership or association, the penalty shall be imposed on the chief executive officer and/or board of trustees of the corporation, organization or managing partner of the partnership or association. Valuation of the damage shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. Valuation by the DENR or the concerned government agency shall be presumed correct unless proven otherwise.

Any person who shall induce or conspire with another person or other persons to commit any of the acts prohibited in this Act or suffer their workers to commit any of the same shall be liable in the same manner as the one actually performing the act.

SEC. 17. Administrative Confiscation and Fine. – Administrative proceedings for violation of the foregoing prohibited acts shall proceed independently and without prejudice to judicial action. The PAMB through the Protected Area Superintendent is hereby empowered to impose an administrative fine ranging from Five Thousand Pesos (P5,000) to One Hundred Fifty Thousand Pesos (P150,000) and/or the cancellation of permit or license issued. Decisions of the Protected Area Superintendent may be appealed within 30 days from receipt of the decision to the PAMB Executive Committee. The decision of the PAMB Executive Committee is appealable to the DENR Secretary within a period of 60 days from the receipt of the decision.

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

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

SEC. 18. Special Counsel. – The PAMB may retain the services of a competent lawyer to prosecute or assist in the prosecution of cases or defend the members of the PAMB, the Protected Area Superintendent and staff or any person assisting in the protection, conservation, and sustainable development of the protected area against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the PAMB.

CHAPTER V

MOUNT APO PROTECTED AREA FUNDS

SECTION 19. *Mount Apo Protected Area Fund.* – There is hereby established a trust fund to be known as the Mt. Apo Protected Area Fund for purposes of financing projects of the system. All income generated from the operation of the system or management of wild flora and fauna in the protected area shall accrue to the Fund. These income shall be derived from visitors/tourist fee, fees from permitted sale and export of flora and fauna and other resources from the protected area, proceeds from registration and lease of multiple-use areas including tourism concessions, contributions from industries and facilities directly benefiting from the protected area; and such other fees, fines and other income 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 disbursement 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.

CHAPTER VI

**EXISTING FACILITIES, UTILIZATION OF NONRENEWABLE RESOURCES, ENVIRONMENTAL IMPACT ASSESSMENT,
AND PARTNERSHIP AMONG GOVERNMENT, NON-GOVERNMENT AND PEOPLE'S ORGANIZATIONS**

SECTION 20. *Existing Facilities within the Protected Area.* – Existing facilities within the protected area shall be inventoried and assessed by the PAMB in accordance with the objectives of this Act. Within 30 days from the effectivity of this Act, unless extended by the PAMB, all commercial facilities existing within the boundaries of the protected area with a total capitalization exceeding One Hundred Thousand Pesos (P100,000) shall submit to the PAMB through the Protected Area Superintendent the following information:

- a. Environmental Impact Assessment and/or Environmental Management Plan;
- b. Environmental Compliance Certificate, if any; and
- c. Developmental Plan, if any.

Failure to submit the required information shall constitute a violation of this Act. Based on its submission, the PAMB, with the assistance of the DENR shall assess such facility and its future plan and operation vis-a-vis the objectives of this Act. The PAMB may prescribe conditions for the operation of the facility to ensure that it does not contradict protected area management objectives. If any of such conditions are violated, a fine of Five Thousand Pesos (P5,000) for every day of violation shall be imposed. If the fine reaches the total amount of Five Hundred Thousand Pesos (P500,000), regardless of duration; the PAMB, through the Protected Area Superintendent and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owners.

The removal of existing facilities which provide basic services and amenities to the public shall require the concurrence of the LGU consistent with the responsibility of the local government to its constituents.

Existing facilities allowed to remain within the protected area may be charged a reasonable fee, subject to DENR approval pursuant to Section 10(f) of the NIPAS Act by the PAMB based on the extent of its impact on the environment and biodiversity.

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SEC. 21. Utilization of Nonrenewable Resources. – Any exploration, exploitation or utilization of nonrenewable resources within the protected area shall not be allowed.

SEC. 22. Environmental Impact Assessment System. – Existing laws, rules and regulations relating to Environmental Impact Assessment shall be applicable to projects and activities intended in the protected area. The issuance of the Environmental Compliance Certificate or its exemption shall be coordinated with the PAMB.

SEC. 23. Partnership among Government, Non-government Organizations and People's Organizations. – For the purpose of attaining the objectives of this Act, all government agencies, non-government organizations, people's organizations and their personnel shall continuously foster and develop a strong and true partnership.

All non-government organizations, people's organizations and private entities implementing any park conservation, protection and development program must be accredited by the LGUs and the DENR.

SEC. 24. Roles of Local Government Units and National Agencies in the Protected Area. – LGUs and relevant national agencies shall be represented in the PAMB and shall have the following roles:

- a. Apprise their respective constituents, office, and sector on activities and programs for the protected area;
- b. Ensure consistency in the implementation of all activities in the protected area;
- c. Retain their ordinance-making powers over the protected area and shall consider the Management Plan and the rules and regulations adopted by the PAMB in their legislative agenda relating to biodiversity, conservation, protection and sustainable development;
- d. In the formulation of their development plan, LGUs shall consider the protected area management plan for Mt. Apo Protected Area to be prepared by the PAMB;
- e. Assist the PAMB in the implementation of the overall park programs, including but not limited to the imposition, collection and utilization of park fees, enforcement of policies, rules and regulations and other similar park activities;
- f. Accredite people's organizations, non-government organizations and other entities and groups involved in activities within the protected area; and
- g. Provide the PAMB with relevant information and data for the effective management of the protected area.

SEC. 25. Public Service Utilities, Projects. – All existing and future development projects of public service utilities involving water services, communication facilities, power and energy generation, public security, health and education services and other facilities which will promote public welfare, shall be implemented within areas designated/approved by the PAMB and other appropriate government agencies.

CHAPTER VII

APPROPRIATION AND MISCELLANEOUS PROVISIONS

SECTION 26. *Appropriation.* – The Secretary shall immediately include in the Department’s program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 27. *Construction.* – The provisions of this Act shall be construed liberally in favor of tenured migrants and indigenous cultural communities and with due consideration of the prior property rights of the stakeholders, to sustainable development, and the conservation and protection of biodiversity. Republic Acts Nos. 7160, 7586, 8371 and 8550 or the Local Government Code, NIPAS Act, IPRA, and Philippine Fisheries Code of 1998, respectively, and other existing forestry laws and their corresponding rules and regulations not inconsistent hereto shall have suppletory effect in the implementation of this Act.

SEC. 28. *Implementing Rules and Regulations.* – Ninety days after the effectivity of this Act, the Department of Environment and Natural Resources (DENR), in consultation with the Senate Committee on Environment and Natural Resources, the House of Representatives Committee on Natural Resources, and the PAMB, shall promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

SEC. 29. *Repealing Clause.* – All other existing laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 30. *Separability Clause.* – If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections hereof.

SEC. 31. *Effectivity Clause.* – This Act shall be translated in the Visayan language. It shall be published once in a newspaper of general circulation readily available in the protected area. It shall likewise be posted for three consecutive weeks starting on the day of publication in newspapers in both the English and Visayan languages in a conspicuous place in the provincial, municipal and barangay halls within the area as well as in three other places frequented by the public. This Act shall take effect 30 days from such publication and posting.

Approved: February 3, 2004.

REPUBLIC ACT NO. 9275
AN ACT PROVIDING FOR A COMPREHENSIVE WATER QUALITY MANAGEMENT
AND FOR OTHER PURPOSES

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

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

DECLARATION OF PRINCIPLES AND POLICIES

SECTION 1. *Short Title.* – This Act shall be known as the “*Philippine Clean Water Act of 2004.*”

SEC. 2. *Declaration of Policy.* – The State shall pursue a policy of economic growth in a manner consistent with the protection, preservation and revival of the quality of our fresh, brackish and marine waters. To achieve this end, the framework for sustainable development shall be pursued. As such, it shall be the policy of the State:

- a) To streamline processes and procedures in the prevention, control and abatement of pollution of the country’s water resources;
- b) To promote environmental strategies, use of appropriate economic instruments and of control mechanisms for the protection of water resources;
- c) To formulate a holistic national program of water quality management that recognizes that water quality management issues cannot be separated from concerns about water sources and ecological protection, water supply, public health and quality of life;
- d) To formulate an integrated water quality management framework through proper delegation and effective coordination of functions and activities;
- e) Promote commercial and industrial processes and products that are environment friendly and energy efficient;
- f) To encourage cooperation and self-regulation among citizens and industries through the application of incentives and market-based instruments and to promote the role of private industrial enterprises in shaping its regulatory profile within the acceptable boundaries of public health and environment;
- g) To provide for a comprehensive management program for water pollution focusing on pollution prevention;
- h) To promote public information and education and to encourage the participation of an informed and active public in water quality management and monitoring;
- i) To formulate and enforce a system of accountability for short and long-term adverse environmental impact of a project, program or activity; and
- j) To encourage civil society and other sectors, particularly labor, the academe and business undertaking environment-related activities in their efforts to organize, educate and motivate the people in addressing pertinent environmental issues and problems at the local and national levels.

SEC. 3. Coverage of the Act. – This Act shall apply to water quality management in all water bodies: *Provided*, That it shall primarily apply to the abatement and control of pollution from land based sources: *Provided, further*, That the water quality standards and regulations and the civil liability and penal provisions under this Act shall be enforced irrespective of sources of pollution.

ARTICLE 2

DEFINITION OF TERMS

SECTION 4. Definition of Terms. – As used in this Act:

- a) *Aquifer* means a layer of water-bearing rock located underground that transmits water in sufficient quantity to supply pumping wells or natural springs.
- b) *Aquatic life* means all organisms living in freshwater, brackish and marine environment.
- c) *Beneficial use* means the use of the environment or any element or segment thereof conducive to public or private welfare, safety and health; and shall include, but not be limited to, the use of water for domestic, municipal, irrigation, power generation, fisheries, livestock raising, industrial, recreational and other purposes.
 - 1. *Use of water for domestic purposes* means the utilization of water for drinking, washing, bathing, cooking or other household needs, home gardens and watering of lawns or domestic animals;
 - 2. *Use of water for municipal purposes* means the utilization of water for supplying water requirements of the community;
 - 3. *Use of water for irrigation* means the utilization of water for producing agricultural crops;
 - 4. *Use of water for power generation* means the utilization of water for producing electrical or mechanical power;
 - 5. *Use of water for fisheries* means the utilization of water for the propagation of culture of fish as a commercial enterprise;
 - 6. *Use of water for livestock raising* means the utilization of water for large herds or flocks of animals raised as a commercial enterprise;
 - 7. *Use of water for industrial purposes* means the utilization of water in factories, industrial plants and mines, including the use of water as an ingredient of a finished product; and
 - 8. *Use of water for recreational purposes* means the utilization of water for swimming pools, bath houses, boating, water skiing, golf courses and other similar facilities in resorts and other places of recreation.
- d) *Classification/Reclassification of Philippine Waters* means the categorization of all water bodies taking into account, among others, the following:
 - (1) existing quality of the body of water;
 - (2) size, depth, surface area covered, volume, direction, rate of flow and gradient of stream;
 - (3) most beneficial existing and future use of said bodies of water and lands bordering them, such as for residential, agricultural, aquacultural, commercial, industrial, navigational, recreational, wildlife conservation and aesthetic purposes; and
 - (4) vulnerability of surface and groundwater to contamination from pollutive and hazardous wastes, agricultural chemicals and underground storage tanks of petroleum products.

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- e) *Civil Society* means non-government organizations (NGOs) and people's organizations (POs).
- f) *Cleaner Production* means the application of an integrated, preventive environmental strategy to processes, products, services to increase efficiency and reduce risk to humans and the environment;
- g) *Clean-up operations* means activities involving the removal of pollutants discharged or spilled into a water body and its surrounding areas, and the restoration of the affected areas to their former physical, chemical and biological state or conditions.
- h) *Contamination* means the production of substances not found in the natural composition of water that make the water less desirable or unfit desirable or unfit for intended use.
- i) *Department* means the Department of Environment and Natural Resources.
- j) *Discharge* includes, but is not limited to, the act of spilling, leaking, pumping, pouring, emitting, emptying, releasing or dumping of any material into a water body or onto land from which it might flow or drain into said water.
- k) *Drinking water* means water intended for human consumption or for use in food preparation.
- l) *Dumping* means any unauthorized or illegal disposal into any body of water or land of wastes or toxic or hazardous material: Provided, That it does not mean a release of effluent coming from commercial, industrial, and domestic sources which are within the effluent standards.
- m) *Effluent* means discharge from known sources which is passed into a body of water or land, or wastewater flowing out of a manufacturing plant, industrial plant including domestic, commercial and recreational facilities.
- n) *Effluent standard* means any legal restriction or limitation on quantities, rates, and/or concentrations or any combination thereof, of physical, chemical or biological parameters of effluent which a person or point source is allowed to discharge into a body of water or land.
- o) *Environmental management* means the entire system which includes, but is not limited to, conservation, regulation and minimization of pollution, clean production, waste management, environmental law and policy, environmental education and information, study and mitigation of the environmental impacts of human activity, and environmental research.
- p) *Environmental management system* means the part of the overall management system that includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the environment policy.
- q) *Freshwater* means water containing less than 500 ppm dissolved common salt, sodium chloride, such as that in groundwater, rivers, ponds and lakes.
- r) *Groundwater* means a subsurface water that occurs beneath a water table in soils and rocks, or in geological formations.
- s) *Groundwater vulnerability* means relative ease with which a contaminant located at or near the land surface can migrate to the aquifer or deep well.
- t) *Groundwater vulnerability map* means the identified areas of the land surface where groundwater quality is most at risk from human activities and shall reflect the different degrees of groundwater vulnerability based on a range of soil properties and hydro geological criteria to serve as guide in the protection of the groundwater from contamination.
- u) *Hazardous waste* means any waste or combination of wastes of solid, liquid, contained gaseous, or semi-solid form which cause, or contribute to, an increase in mortality or an increase in serious

irreversible, or incapacitating reversible illness, taking into account toxicity of such waste, its persistence and degradability in nature, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or organism.

- v) *Industrial waste* means any solid, semi-solid or liquid waste material with no commercial value released by a manufacturing or processing plant other than excluded material.
- w) *Integrated Water Quality Management Framework* means the policy guideline integrating all the existing frameworks prepared by all government agencies contain the following: (a) water quality goals and targets; (b) period of compliance; (c) water pollution control strategies and techniques; (d) water quality information and education program; (e) human resources development program.
- x) *Margin* means a landward and outer limiting edge adjacent to the border of any water bodies or a limit beyond where saturation zone ceases to exist.
- y) *National Water Quality Status Report* means a report to be prepared by the Department indicating: (a) the location of water bodies, their quality, taking into account seasonal, tidal and others variations, existing and potential uses and sources of pollution per specific pollutant and pollution load assessment; (b) water quality management areas pursuant to Section 5 of this Act; (c) and water classification.
- z) *Non-point source* means any source of pollution not identifiable as point source to include, but not be limited to, runoff from irrigation or rainwater, which picks up pollutants from farms and urban areas.
- aa) *Point source* means any identifiable source of pollution with specific point of discharge into a particular water body.
- bb) *Pollutant* shall refer to any substance, whether solid, liquid, gaseous or radioactive, which directly or indirectly:
 - (i) alters the quality of any segment of the receiving water body to affect or tend to affect adversely any beneficial use thereof;
 - (ii) is hazardous or potential hazardous to health;
 - (iii) imparts objectionable odor, temperature change, or physical, chemical or biological change to any segment of the water body; or
 - (iv) is in excess of the allowable limits, concentrations, or quality standards specified, or in contravention of the condition, limitation or restriction prescribed in this Act.
- cc) *Pollution control technology* means pollution control devices or apparatus, processes, or other means that effectively prevent control or reduce pollution of water caused by effluents and other discharges, from any point source at levels within the water pollution standards.
- dd) *Potentially infectious medical waste* include isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, and other disposable medical equipment and material that may pose a risk to the public health, welfare or the marine environment.
- ee) *Secretary* means the Secretary of the Department of Environmental and Natural Resources (DENR).
- ff) *Septage* means the sludge produced on individual onsite wastewater disposal systems, principally septic tanks and cesspools.

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- gg) *Sewage* means water-borne human or animal wastes, excluding oil or oil wastes, removed from residences, building, institutions, industrial and commercial establishments together with such groundwater, surface water and storm water as maybe present including such waste from vessels, offshore structures, other receptacles intended to receive or retain waste or other places or the combination thereof.
- hh) *Sewerage* includes, but is not limited to, any system or network of pipelines, ditches, channels, or conduits including pumping stations, lift stations and force mains, service connections including other constructions, devices, and appliances appurtenant thereto, which includes the collection, transport, pumping and treatment of sewage to a point of disposal.
- ii) *Sludge* means any solid, semi-solid or liquid waste or residue generated from a wastewater treatment plant, water supply treatment plant, or water control pollution facility, or any other such waste having similar characteristics and effects.
- jj) *Surface water* means all water, which is open to the atmosphere and subject to surface runoff.
- kk) *Treatment* means any method, technique, or process designed to alter the physical, chemical or biological and radiological character or composition of any waste or wastewater to reduce or prevent pollution.
- ll) *Toxic amount* means the lowest amount of concentration of toxic pollutants, which may cause chronic or long-term acute or lethal conditions or effects to the aquatic life, or health of persons or which may adversely affect designated water uses.
- mm) *Waste* means any material either solid, liquid, semi-solid, contained gas or other forms resulting industrial, commercial, mining or agricultural operations, or from community and household activities that is devoid of usage and discarded.
- nn) *Wastewater* means waste in liquid state containing pollutants.
- oo) *Water body* means both natural and man-made bodies of fresh, brackish, and saline waters, and includes, but is not limited to, aquifers, groundwater, springs, creeks, streams, rivers, ponds, lagoons, water reservoirs, lakes, bays, estuarine, coastal and marine waters. Water bodies do not refer to those constructed, developed and used purposely as water treatment facilities and/or water storage for recycling and re-use which are integral to process industry or manufacturing.
- pp) *Water Pollution* means any alteration of the physical, chemical, biological, or radiological properties of a water body resulting in the impairment of its purity or quality.
- qq) *Water Quality* means the characteristics of water, which define its use in characteristics by terms of physical, chemical, biological, bacteriological or radiological characteristics by which the acceptability of water is evaluated.
- rr) *Water quality guidelines* means the level for a water constituent or numerical values of physical, chemical, biological and bacteriological or radiological parameters which are used to classify water resources and their use, which does not result in significant health risk and which are not intended for direct enforcement but only for water quality management purposes, such as determining time trends, evaluating stages of deterioration or enhancement of the water quality, and as basis for taking positive action in preventing, controlling or abating water pollution.
- ss) *Water Quality Management Area Action Plan* includes, but not be limited to, the following:
 - (a) goals and targets including sewerage or septage program,
 - (b) schedule of compliance to meet the applicable requirements of this Act;

- (c) water pollution control strategies or techniques;
- (d) water quality information and education program;
- (e) resource requirement and possible sources;
- (f) enforcement procedures of the plan; and
- (g) rewards and incentives under Chapter 4 of this Act.

CHAPTER 2

WATER QUALITY MANAGEMENT SYSTEM

ARTICLE 1

GENERAL PROVISIONS

SECTION 5. *Water Quality Management Area.* – The Department, in coordination with National Water Resources Board (NWRB), shall designate certain areas as water quality management areas using appropriate physiographic units such as watershed, river basins or water resources regions. Said management areas shall have similar hydrological, hydrogeological, meteorological or geographic conditions which affect the physicochemical, biological and bacteriological reactions and diffusions of pollutants in the water bodies, or otherwise share common interest or face similar development programs, prospects or problems.

Said management area shall be governed by a governing board composed of representatives of mayors and governors of member local government units (LGUs), and representatives of relevant national government agencies, duly registered non-governmental organization, water utility sector, and business sector. The Department representative shall chair the governing board. In the case of the LGUs with memberships on more than one management board, the LGU shall designate only one single representative for all the management areas wherein is a member.

The governing board shall formulate strategies to coordinate policies necessary for the effective implementation of this Act in accordance with those established in the framework and monitor the compliance with the action plan.

Each management area shall create a multi-sectoral group to establish and affect water quality surveillance and monitoring network including sampling schedules and other similar activities. The group shall submit its report and recommendation to the chairman of the governing board.

A technical secretariat for each management area is hereby created which shall be part of the Department and shall provide technical support to the governing board. They shall be composed of at least four members who shall have the following minimum qualifications:

- a) One member shall be a member of the Philippines Bar;
- b) One member shall be a Chemical Engineer, Chemist, Sanitary Engineer, Environmental Engineer or Ecologist or significant training and experience in chemistry;
- c) One member shall be a Civil Engineer or Hydrologist or significant training and experience in closely related fields and experience on ground water, respectively; and
- d) One member shall be a Geologist, Biologist, or significant training and experience in closely related fields.

The areas within the jurisdiction of the Laguna Lake Development Authority (LLDA) shall be designated as one management area under the administration of LLDA in accordance with RA No. 4850,

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as amended: *Provided, however,* That the standards promulgated pursuant to this Act and wastewater charge system established pursuant hereof shall be enforced in said area.

SEC. 6. Management of Non-attainment Areas. – The Department shall designate water bodies, or portions thereof, where specific pollutants from either natural or man-made source have already exceeded water quality guidelines as non-attainment areas for the exceeded pollutants. It shall prepare and implement a program that will not allow new sources of exceeded water pollutant in non-attainment areas without a corresponding reduction in discharges from existing sources; *Provided,* That if the pollutant is naturally occurring, e.g., naturally high boron and other elements in geothermal areas, discharge of such pollutant may be allowed: *Provided, further,* That the effluent concentration of discharge shall not exceed the naturally occurring level of such pollutant in the area: *Provided, finally,* That the effluent concentration and volume of discharge shall not adversely affect water supply, public health and ecological protection.

The Department shall, in coordination with NWRB, Department of Health (DOH), Department of Agriculture (DA), governing board and other concerned government agencies and private sectors shall take such measures as may be necessary to upgrade the quality of such water in non-attainment areas to meet the standards under which it has been classified.

Upgrading of water quality shall likewise include undertakings, which shall improve the water quality of a water body to a classification that will meet its projected or potential use.

The LGUs shall prepare and implement contingency plans and other measures including relocation, whenever necessary, for the protection of health and welfare of the residents within potentially affected areas.

SEC. 7. National Sewerage and Septage Management Program. – The Department of Public Works and Highways (DPWH), through its relevant attached agencies, in coordination with the Department, local government units (LGUs) and other concerned agencies, shall, as soon as possible, but in no case exceeding a period of 12 months from the effectivity of this Act, prepare a national program on sewerage and septage management in connection with Section 8 hereof.

Such program shall include a priority listing of sewerage, septage and combined sewerage-septage projects for LGUs based on population density and growth, degradation of water resources, topography, geology, vegetation, program/projects for the rehabilitation of existing facilities and such other factors that the Secretary may deem relevant to the protection of water quality. On the basis of such national listing, the national government may allot, on an annual basis, funds for the construction and rehabilitation of required facilities.

Each LGU shall appropriate the necessary land, including the required rights-of-way/road access to the land for the construction of the sewage and/or septage treatment facilities.

Each LGU may raise funds to subsidize necessary expenses for the operation and maintenance of sewerage treatment or septage facility servicing their area of jurisdiction through local property taxes and enforcement of a service fee system.

SEC. 8. Domestic Sewage Collection, Treatment and Disposal. – Within five years following the effectivity of this Act, the Agency vested to provide water supply and sewerage facilities and/or concessionaires in Metro Manila and other highly urbanized cities (HUCs) as defined in Republic Act No. 7160, in coordination with LGUs, shall be required to connect the existing sewage line found in all subdivisions, condominiums, commercial centers, hotels, sports and recreational facilities, hospitals, market places, public buildings, industrial complex and other similar establishments including households to available

sewerage system. *Provided*, That the said connection shall be subject to sewerage services charge/ fees in accordance with existing laws, rules or regulations unless the sources had already utilized their own sewerage system: *Provided, further*, That all sources of sewage and septage shall comply with the requirements herein.

In areas not considered as HUCs, the DPWH in coordination with the Department, DOH and other concerned agencies, shall employ septage or combined sewerage-septage management system.

For the purpose of this Section, the DOH, [in] coordination with other government agencies, shall formulate guidelines and standards for the collection, treatment and disposal of sewage including guidelines for the establishment and operation of centralized sewage treatment system.

SEC. 9. National Water Quality Management Fund. – A water quality management fund, to be administered by the Department, in coordination with other concerned agencies, as a special account in the National Treasury is hereby established. The fund shall be used to finance the following:

- a) Finance containment and clean-up operations of the government in water pollution cases;
- b) Guarantee restoration of ecosystems and rehabilitation of affected areas;
- c) Support research, enforcement and monitoring activities;
- d) Provide technical assistance to the implementing agencies;
- e) Grant rewards and incentives;
- f) Support information and educational campaign; and
- g) Such other disbursements made solely for the prevention, control or abatement of water pollution and management and administration of the management areas in the amounts authorized by the Department.

The fines imposed and damages awarded to the government by the Pollution Adjudication Board (PAB), proceeds of permits issued by the Department under this Act, donations, endowments and grants in the form of contributions to the national government under this Act shall form part of the fund. Such donations, endowments and grants shall be exempt from donor's taxes and all other taxes, charges or fees imposed by the government and shall be deductible from the gross income of the donor for income tax purposes.

Disbursements from the fund shall be subject to the usual accounting and budgeting rules and regulations.

SEC. 10. The Area Water Quality Management Fund. – The area water quality management fund is hereby established for the maintenance and upkeep of the water bodies in a water quality management area. The fund shall be utilized for the grant of rewards and incentives for entities whose effluent discharges are better than the water quality criteria of the target classification of the receiving body of water, loans for acquisitions and repairs of facilities to reduce quantity and improve quality of wastewater discharges, and regular maintenance of the water bodies within the management area.

An amount of not more than 10 percent of the total amount accruing to the funds annually shall be allocated for the operational expenses of the governing board, its secretariat and multi-sectoral water quality surveillance and monitoring network.

This fund shall initially be sourced from the fines incurred by the establishments located in rural areas before the effectivity of this Act. Thereafter, the fees collected under the wastewater charge

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system established under Section 13 of this Act, donations, endowments and grants for water quality management of the area shall accrue to the fund.

Disbursements from the fund shall be subject to the usual accounting and budgeting rules and regulations. This fund shall be managed by the Board of the corresponding management area.

Sec. 11. Water Quality Variance for Geothermal and Oil and Gas Exploration. – The Department may provide variance in water quality criteria and standards for geothermal exploration that encounters re-injection constraints: Provided, That there shall be provision for adequate protection of beneficial use of water bodies, downstream of the geothermal project: *Provided, further,* That this provision may be applied to oil and gas exploration as determined by the Department.

Sec. 12. Categories of Industry Sector. – Within 24 months from the effectivity of this Act, and every two years thereafter, the Department shall, through due public consultation, revise and publish a list of categories of industry sector for which effluent standards will be provided for each significant wastewater parameter per industry sector.

The Department shall provide additional classification based on other parameters specifically associated to discharge of a particular industry which shall be included in the listing of categories prescribed in the preceding paragraph.

ARTICLE 2

WATER POLLUTION PERMITS AND CHARGES

SECTION 13. Wastewater Charge System. – The Department shall implement a wastewater charge system in all management areas including the Laguna Lake Region and Regional Industrial Centers through the collection of wastewater charges/fees. The system shall be established on the basis of payment to the government for discharging wastewater into the water bodies. Wastewater charges shall be established taking into consideration the following:

- a) To provide strong economic inducement for polluters to modify their production or management processes or to invest in pollution control technology in order to reduce the amount of water pollutants generated;
- b) To cover the cost of administering water quality management or improvement programs;
- c) Reflect damages caused by water pollution on the surrounding environment, including the cost of rehabilitation;
- d) Type of pollutant;
- e) Classification of the receiving water body; and
- f) Other special attributes of the water body.

The fee shall be based on the net waste load depending on the wastewater, charge formula which shall be established with due public consultation within six months from the effectivity of this Act: *Provided,* That net waste load shall refer to the difference of the initial waste load of the abstracted water and the waste load of the final effluent discharge of an industry: *Provided, further,* That no net waste load shall be lower than the initial waste load: *Provided, finally,* That wastewater charge system shall not apply to wastewater from geothermal exploration.

Industries whose water effluent are within standards promulgated pursuant to this Act, shall only be charged with minimal reasonable amount which shall be determined by the Department after due public consultation, giving account to volumetric rate of discharge and effluent concentration.

SEC. 14. Discharge Permits. – The Department shall require owners or operators of facilities that discharge regulated effluents pursuant to this Act to secure a permit to discharge. The discharge permit shall be the legal authorization granted by the Department to discharge wastewater: *Provided*, That the discharge permit shall specify among others, the quantity and quality of effluent that said facilities are allowed to discharge into a particular water body, compliance schedule and monitoring requirement.

As part of the permitting procedure, the Department shall encourage the adoption of waste minimization and waste treatment technologies when such technologies are deemed cost effective. The Department shall also develop procedures to relate the current water quality guideline or the projected water quality guideline of the receiving water body/ies with total pollution loadings from various sources, so that effluent quotas can be properly allocated in the discharge permits. For industries without any discharge permit, they may be given a period of 12 months after the effectivity of the implementing rules and regulations promulgated pursuant to this Act, to secure a discharge permit.

Effluent trading may be allowed per management area.

ARTICLE 3

FINANCIAL LIABILITY MECHANISM

SECTION 15. Financial Liability for Environmental Rehabilitation. – The Department shall require program and project proponents to put up environmental guarantee fund (EGF) as part of the environmental management plan attached to the environmental compliance certificate pursuant to Presidential Decree No.1586 and its implementing rules and regulations. The EGF shall finance the maintenance of the health of the ecosystems and specially the conservation of watersheds and aquifers affected by the development, and the needs of emergency response, clean-up or rehabilitation of areas that may be damaged during the program’s or project’s actual implementation. Liability for damages shall continue even after the termination of a program or project and, until the lapse of a given period indicated in the environmental compliance certificate, as determined by the Department. The EGF may be in the form of a trust fund, environmental insurance, surety bonds, letters of credit, self-insurance and any other instruments which may be identified by the Department. The choice of the guarantee instrument or combinations thereof shall depend, among others, on the assessment of the risks involved and financial test mechanisms devised by the Department. Proponents required to put up guarantee instruments shall furnish the Department with evidence of availment of such instruments from accredited financial instrument providers.

SEC. 16. Clean-Up Operations. – Notwithstanding the provisions of Sections 15 and 26 hereof, any person who causes pollution in or pollutes water bodies in excess of the applicable and prevailing standards shall be responsible to contain, remove and clean-up any pollution incident at his own expense to the extent that the same water bodies have been rendered unfit for utilization and beneficial use: *Provided*, That in the event emergency clean-up operations are necessary and the polluter fails to immediately undertake the same, the Department, in coordination with other government agencies concerned, shall conduct containment, removal and clean-up operations. Expenses incurred in said operations shall be reimbursed by the persons found to have caused such pollution upon proper administrative determination in accordance with this Act. Reimbursements of the cost incurred shall be made to the Water Quality Management Fund or to such other funds where said disbursements were sourced.

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SEC. 17. Programmatic Environmental Impact Assessment. – The Department shall implement programmatic compliance with the environmental impact assessment system, as in the following types of development:

- a) development consisting of a series of similar projects, or a project subdivided into several phases and/or stages whether situated in a contiguous area or geographically dispersed; and
- b) development consisting of several components or a cluster of projects co-located in an area such as an industrial estate, an export processing zone, or a development zone identified in a local land use plan.

Programmatic compliance with the environmental impact assessment system shall be guided by carrying capacity assessments determined from ecological profiles. Ecological profiles shall identify environmental constraints and opportunities in programmatic areas. Programmatic assessment shall also take into account cumulative impacts and risks.

Consistent with the provisions of the Local Government Code, the Department may enter into agreement with LGUs to incorporate programmatic environmental impact assessment into the preparation, updating or revision of local land use plans and area development plans.

SEC. 18. Environmental Impact Assessment System Programmatic Compliance with Water Quality Standards. – The Department may allow each regional industrial center established pursuant to Republic Act No.7916 (PEZA Law) to allocate effluent quotas to pollution sources within its jurisdiction that qualify under an environmental impact assessment system programmatic compliance program in accordance with Presidential Decree No. 1586 and its implementing rules and regulations.

CHAPTER 3

INSTITUTIONAL MECHANISM

SECTION 19. Lead Agency. – The Department shall be the primary government agency responsible for the implementation and enforcement of this Act unless otherwise provided herein. As such, it shall have the following functions, powers and responsibilities:

- a) Prepare a National Water Quality Status Report within 24 months from the effectivity of this Act: *Provided*, That the Department shall thereafter review or revise and publish annually, or as the need arises, said report;
- b) Prepare an Integrated Water Quality Management Framework within 12 months following the completion of the status report;
- c) Prepare a 10-year Water Quality Management Area Action Plan within 12 months following the completion of the framework for each designated water management area. Such action plan shall be reviewed by the water quality management area governing board every five years or as need arises;
- d) Prepare and publish a national a national groundwater vulnerability map incorporating the prevailing standards and methodologies, within 24 months after the effectivity of this Act;
- e) Enforce, review and revise within 12 months from the effectivity of this Act water quality guidelines after due consultation with the concerned stakeholder sectors: *Provided*, That the Department, in coordination with appropriate agencies shall review said guidelines every five years or as need arises;

- f) Review and set effluent standards every five years from the effectivity of this Act or sooner as determined by the Department: *Provided*, That in the interim, the provisions of DENR Administrative Order No. 35 of the Department shall apply: *Provided, further*, That when new and more stringent standards are set in accordance with this Section, the Department may establish a grace period with a maximum of five years: *Provided, finally*, That such grace period shall be limited to the moratorium on the issuance of cease and desist and/or closure order against the industry's operations except in the event such operation poses serious and grave threat to the environment, or the industry fails to institute retooling, upgrading or establishing an environmental management system (EMS).
- g) Establish within 12 months from the effectivity of this Act, internationally-accepted procedures for sampling and analysis of pollutants and in coordination with other concerned agencies, formulate testing procedures and establish an accreditation system for laboratories;
- h) Within 18 months from the effectivity of this Act and every two years thereafter, categorize point and non-point sources of water pollution;
- i) Classify groundwater sources within 12 months from the effectivity of this Act;
- j) Classify or reclassify all water bodies according to their beneficial usages: *Provided*, that in the interim, the provisions of DENR Administrative Order No.34 shall apply: *Provided, further*, That such classification or reclassification shall take into consideration the operation of businesses or facilities that are existing prior to the effectivity of the Act: *Provided, furthermore*, That the Department may authorize the use of the water for other purposes that are more restrictive in classification: *Provided, finally*, That discharges resulting from such use shall meet the effluent standards set by the Department;
- k) Exercise jurisdiction over all aspects of water pollution, determine its location, magnitude, extent, severity, causes, effects and other pertinent information on pollution, and to take measures, using available methods and technologies to prevent and abate such pollution;
- l) Exercise supervision and control over all aspects of water quality management;
- m) Establish a cooperative effort in partnership with the government, LGUs, academic institutions, civil society and the private sector to attain the objectives of this Act;
- n) Disseminate information and conduct educational awareness and value formation programs and campaigns on the effects of water pollution on health and environment, water quality management, and resource conservation and recovery to encourage an environmentally action-oriented society in coordination with government agencies identified in Section 22 (f);
- o) Promote and encourage private and business sectors especially manufacturing and processing plants the use of water quality management systems equipment, including but not limited to, industrial wastewater treatment collection and treatment facilities;
- p) Report, on an annual basis, to Congress the, quality status of water bodies and other pertinent information and recommend possible legislation, policies and programs for environmental management and water pollution control;
- q) Issue rules and regulations for the effective implementation of the provisions of this Act;
- r) Issue orders against any person or entity and impose fines, penalties and other administrative sanctions to compel compliance with water quality the provisions of this Act;
- s) Undertake appropriate protocol with other concerned agencies for immediate coordinated responses to water related emergency incidents;

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- t) Issue permits, clearances and similar instruments pursuant to this Act; and
- u) Exercise such powers and perform such other functions as may be necessary to carry out the objectives of this Act

The Department shall gradually devolve to the LGUs, and to the governing boards the authority to administer some aspects of water quality management and regulation, including, but not to be limited to, permit issuance, monitoring and imposition of administrative penalties, when, upon the Department's determination, the LGU or the governing board has demonstrated readiness and technical capability to undertake such functions.

SEC. 20. Role of Local Government Units. – Local government units shall share the responsibility in the management and improvement of water quality within their territorial jurisdictions.

Each local government unit shall within six months after the establishment of the water quality management area action plan prepare a compliance scheme in, accordance thereof, subject to review and approval of the governing board.

Each local government unit shall, through its Environment and Natural Resources Office (ENRO) established in Republic Act No.7160, have the following powers and functions:

- a) Monitoring of water quality;
- b) Emergency response;
- c) Compliance with the framework of the Water Quality Management Action Plan;
- d) To take active participation in all efforts concerning water quality protection and rehabilitation; and
- e) To coordinate with other government agencies and civil society and the concerned sectors in the implementation of measures to prevent and control water pollution: *Provided, however,* That in provinces/cities/municipalities where there are no environment and natural resources officers, the local executive concerned may, with the approval of the Secretary of the DENR designate any of his official and/or chief of office preferably the provincial, city or municipal agriculturist, or any of his employee: *Provided, finally,* That in case an employee is designated as such, he must have sufficient experience in environmental and natural resources management, conservation and utilization.

SEC. 21. Business and Industry Role in Environmental Management. – The Department and the LGUs, in coordination with the appropriate government agencies and in consultation with the business and industrial sectors including commerce, shall formulate appropriate incentives for the adoption procedures that will preserve and protect our water bodies through the introduction of innovative equipment and processes that reduce if totally eliminate discharge of pollutants into our water bodies.

SEC. 22. Linkage Mechanism. – The Department and its concerned attached agencies including LLDA shall coordinate and enter into agreement with other government agencies, industrial sector and other concerned sectors in the furtherance of the objectives of this Act. The following agencies shall perform the functions specified hereunder:

- a) Philippine Coast Guard in coordination with DA and the Department shall enforce for the enforcement of water quality standards in marine waters, set pursuant to this Act, specifically from offshore sources;

- b) DPWH through its attached agencies, such as the MWSS, LWUA, and including other urban water utilities for the provision or sewerage and sanitation facilities and the efficient and safe collection, treatment and disposal of sewage within their area of jurisdiction;
- c) DA, shall coordinate with the Department, in the formulation of guidelines for the re-use of wastewater for irrigation and other agricultural uses and for the prevention, control and abatement of pollution from agricultural and aquaculture activities: *Provided*, That discharges coming from non-point sources be categorized and further defined pursuant to this Act: *Provided, further*, That the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA shall be primarily responsible for the prevention and control of water pollution for the development, management and conservation of the fisheries and aquatic resources;
- d) DOH shall be primarily responsible for the promulgation, revision and enforcement of drinking water quality standards;
- e) DOST, in coordination with the Department and other concerned agencies, shall prepare a program for the evaluation, verification, development and public dissemination of pollution prevention and cleaner production technologies; and
- f) Department of Education (DepEd), Commission Higher Education (CHED), Department of the Interior and Local Government (DILG) and Philippine Information Agency (PIA) shall assist and coordinate with the Department in, the preparation and implementation of a comprehensive program pursuant to the objectives of this Act.

SEC. 23. Requirement of Record-keeping, Authority for Entry to Premises and Access to Documents. – The Department or its duly authorized representative shall, after proper consultation and notice, require any person who owns or operates any pollution source or who is subject to any requirement of this Act to submit reports and other written information as may be required by the Department.

Any record, report or information obtained under this Section shall be made available to the public, except upon a satisfactory showing to the Department by the, entity concerned that the record, report, or information or parts thereof, if made public, would divulge secret methods or processes entitled to protection as intellectual property. Such record, report or information shall likewise be incorporated in the Department’s industrial rating system. Pursuant to this Act, the Department, through it’s authorized representatives, shall have the right to: (a) enter any premises or to have access to documents and relevant materials as referred to in the herein preceding paragraph; (b) inspect any pollution or waste source, control device, monitoring equipment or method required; and (c) test any discharge.

In cases of fish kill incidence, the Bureau of Fisheries of the DA, in the course of its investigation, may enter the premises of an establishment reported to have caused said incident.

SEC. 24. Pollution Research and Development Programs. – The Department, in coordination with the Department of Science and Technology (DOST), other concerned agencies and academic research institutions, shall establish a national research and development program for the prevention and control of water pollution. As part of said program, the DOST shall conduct and promote the coordination and acceleration of research, investigation, experiments, training, survey and studies relating to the causes, extent, prevention and control of pollution among concerned government agencies and research institutions.

CHAPTER 4

INCENTIVES AND REWARDS

SECTION 25. Rewards. – Rewards, monetary or otherwise, shall be provided to individuals, private organization and entities, including civil society, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in water quality management. Said rewards shall be sourced from the Water Quality Management Fund herein created.

SEC. 26. Incentives Scheme. – An incentive scheme is hereby provided for the purpose of encouraging LGUs, water districts (WDs), enterprises, or private entities, and individuals, to develop or undertake an effective water quality management, or actively participate in any program geared towards the promotion thereof as provided in this Act.

A. Non-fiscal incentive

1. *Inclusion in the Investments Priority Plan (IPP).* – Subject to the rules and regulations of the Board of Investments (BOI), industrial wastewater treatment and/or adoption of water pollution control technology, cleaner production and waste minimization technology shall be classified as preferred areas of investment under its annual priority plan and shall enjoy the applicable fiscal and non-fiscal incentives as may be provided for under the Omnibus Investment Code, as amended.

Fiscal Incentives

1. *Tax and Duty Exemption on Imported Capital Equipment.* – Within 10 years upon the effectivity of this Act, LGUs, WDs, enterprises or private entities shall enjoy tax-and-duty-free importation of machinery, equipment and spare parts used for industrial wastewater treatment/collection and treatment facilities: *Provided,* That the importation of such machinery, equipment and spare parts shall comply with the following conditions:
 - a) They are not manufactured domestically in sufficient quantity, of comparable quality and at reasonable prices;
 - b) They are reasonably needed and will be used actually, directly and exclusively for the abovementioned activities; and
 - c) Written endorsement by the Department that the importation of such machinery, equipment and spare parts would be beneficial to environmental protection and management: *Provided, further,* That the sale, transfer or disposition of such machinery, equipment and spare parts without prior approval of the BOI within five years from the date of acquisition shall be prohibited, otherwise the LGU concerned, WD, enterprise or private entity and the concerned vendee, transferee or assignee shall be solidarity liable to pay twice the amount of tax and duty exemption given it.
2. *Tax Credit on Domestic Capital Equipment.* – Within 10 years from the effectivity of this Act, a tax credit equivalent to 100 percent of the value of the national internal revenue taxes and customs duties that would have been waived on the machinery, equipment, and spare parts, had these items been imported shall be given to enterprises or private entities and individuals, subject to the same conditions and prohibition cited in the preceding paragraph.
3. *Tax and Duty Exemption of Donations, Legacies and Gifts.* – All legacies, gifts and donations to LGUs, WDs, enterprises, or private entities and individuals, for the support and maintenance of the program for effective water quality management shall be exempt from donor's tax and shall be deductible from the gross income of the donor for income tax purposes.

Imported articles donated to, or for the account of any LGUs, WDs, local water utilities, enterprises, or private entities and individuals to be exclusively used for water quality management programs shall be exempted from the payment of customs duties and applicable internal revenue taxes.

Industrial wastewater treatment and/or installation of water pollution control devices shall be classified as pioneer and preferred areas of investment under the BOI's annual priority plan and shall enjoy the applicable fiscal and non-fiscal incentives as may be provided for under the Omnibus Investment Code, as amended.

B. Financial Assistance Program

Government financial institutions such as the Development Bank of the Philippines, Land Bank of the Philippines, Government Service Insurance System, and such other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extend financial services to LGUs, WDs, enterprises, or private entities engaged in sewage collection and treatment facilities.

C. Extension or Grants to LGUs

Cities and municipalities which shall establish or operate sewerage facilities may be entitled to receive grants for the purpose of developing technical capabilities.

CHAPTER 5

CIVIL LIABILITY/PENAL PROVISIONS

SECTION 27. Prohibited Acts. – The following acts are hereby prohibited:

- a) Discharging, depositing or causing to be deposited material of any kind directly or indirectly into the water bodies or along the margins of any surface water, where, the same shall be liable to be washed into such surface water, either by tide action or by storm, floods or otherwise, which could cause water pollution or impede natural flow in the water body;
- b) Discharging, injecting or allowing to seep into the soil or sub-soil any substance in any form that would pollute groundwater. In the case of geothermal projects, and subject to the approval of the Department, regulated discharge for short-term activities (e.g., well testing, flushing, commissioning, venting) and deep re-injection of geothermal liquids may be allowed: *Provided*, That safety measures are adopted to prevent the contamination of the groundwater;
- c) Operating facilities that discharge regulated water pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein;
- d) Disposal of potentially infectious medical waste into sea water by vessels unless the health or safety of individuals on board the vessel is threatened by a great and imminent peril;
- e) Unauthorized transport or dumping into sea waters of sewage sludge or solid waste as defined under Republic Act No. 9003;
- f) Transport, dumping or discharge of prohibited chemicals, substances or pollutants listed under Republic Act No. 6969;
- g) Operate facilities that discharge or allow to seep, willfully or through gross negligence, prohibited chemicals, substances or pollutants listed under RA No. 6969 into water bodies or wherein the same shall be liable to be washed into such surface, ground, coastal, and marine water;

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- h) Undertaking activities or development and expansion of projects, or operating wastewater/ sewerage facilities in violation of Presidential Decree. No. 1586 and its implementing rules, and regulations;
- i) Discharging regulated water pollutants without the valid required discharge permit pursuant to this Act or after the permit was revoked for any violation of condition therein;
- j) Non-compliance of the LGU with the Water Quality Framework and Management Area Action Plan. In such a case, sanctions shall be imposed on the local government officials concerned;
- k) Refusal to allow entry, inspection and monitoring by the Department in accordance with this Act;
- l) Refusal to allow access by the Department to relevant reports and records in accordance with this Act;
- m) Refusal or failure to submit reports whenever required by the Department in accordance with this Act;
- n) Refusal or failure to designate pollution control officers whenever required by, the Department in accordance with this Act; and
- o) Directly using booster pumps in the distribution system or tampering with the water supply in such a way as to alter or impair the water quality.

Sec. 28. Fines, Damages and Penalties. – Unless otherwise provided herein, any person who commits any of the prohibited acts provided in the immediately preceding section or violates any of the provision of this Act or its implementing rules and regulations, shall be fined by the Secretary, upon the recommendation of the PAB in the amount of not less than Ten Thousand Pesos (P10,000) nor more than Two Hundred Thousand Pesos (P200,000) for every day of violation. The fines herein prescribed shall be increased by 10 percent every two years to compensate for inflation and to maintain the deterrent function of such fines: *Provided*, That the Secretary, upon recommendation of the PAB may order the closure, suspension of development or construction, or cessation of operations or, where appropriate disconnection of water supply, until such time that proper environmental safeguards are put in place and/or compliance with this Act or its rules and regulations are undertaken. This paragraph shall be without prejudice to the issuance of an *ex parte* order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case.

Failure to undertake clean-up operations, willfully, or through gross negligence, shall be punished by imprisonment of not less than two years and not more than four years and a fine not less than Fifty Thousand Pesos (P50,000) and not more than One Hundred Thousand Pesos (P100,000) per day for each day of violation. Such failure or refusal which results in serious injury or loss of life and/or irreversible water contamination of surface, ground, coastal and marine water shall be punished with imprisonment of not less than six years and one day and not more than 12 years, and a fine of Five Hundred Thousand Pesos (P500,000) per day for each day during which the omission and/or contamination continues.

In case of gross violation of this Act, the PAB shall issue a resolution recommending that the proper government agencies file criminal charges against the violators. Gross violation shall mean any of the following:

- a) deliberate discharge of toxic pollutants identified pursuant to Republic Act No. 6969 in toxic amounts;
- b) five or more violations within a period of two years; or
- c) blatant disregard of the orders of the PAB, such as the non-payment of fines, breaking of seals or operating despite the existence of an order for closure, discontinuance or cessation of operation.

In which case, offenders shall be punished with a fine of not less than Five Hundred Thousand Pesos (P500,000) but not more than Three Million Pesos (P3 million) per day for each day of violation or imprisonment of not less than six years but not more than 10 years, or both, at the discretion of the court. If the offender is a juridical person, the president, manager and the pollution control officer or the official in charge of the operation shall suffer the penalty herein provided.

For violations falling under Section 4 of Presidential Decree No. 979 or any regulations prescribed in pursuance thereof, such person shall be liable for a fine of not less than Fifty Thousand Pesos (P50,000) nor more than One Million Pesos (P1 million) or by imprisonment of not less than one year nor more than six years or both, for each offense, without prejudice to the civil liability of the offender in accordance with existing laws. If the offender is a juridical entity, then its officers, directors, agents or any person primarily responsible shall be held liable: *Provided*, That any vessel from which oil or other harmful substances are discharged in violation of Section 4 of Presidential Decree No. 979 shall be liable for penalty of fine specified in the immediately preceding paragraph and clearance of such vessel from the port of the Philippines may be withheld until the fine is paid and such penalty shall constitute a lien on such vessel which may be recovered in proceedings by libel in *rem* in the proper court which the vessel may be. The owner or operator of a vessel or facility which discharged the oil or other harmful substances will be liable to pay for any clean-up costs.

Provided, finally, That water pollution cases involving acts or omissions – committed within the Laguna Lake Region shall be dealt with in accordance with the procedure under RA No. 4850 as amended.

SEC. 29. Administrative Sanctions Against Non-compliance with the Water Quality Management Area Action Plan. – Local government officials concerned shall be subject to Administrative sanctions in case of failure to comply with their action plan accordance with the relevant provisions of RA No.7160.

CHAPTER 6

ACTIONS

SECTION 30. Administrative Action. – Without prejudice to the right of any affected person to file an administrative action, the Department shall, on its own instance or upon verified complaint by any person, institute administrative proceedings in the proper forum against any person who violates:

- a) Standards or limitations provided by this Act; or
- b) By any such order, rule or regulation issued by the Department with respect to such standard or limitation.

CHAPTER 7

FINAL PROVISIONS

SECTION 31. Appropriations. – An amount of One Hundred Million Pesos (P100 million) shall be appropriated from the savings of the National Government to the Department for the initial implementation of this Act. Thereafter, the amount necessary to effectively carry out the provision of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 32. Implementing Rules and Regulations. – The Department, in coordination with the Committees on Environment and Ecology of the Senate and the House of Representatives, respectively and other concerned agencies shall promulgate the implementing rules and regulations for this Act, within one year after the enactment of this Act: *Provided*, That rules and regulations issued by other government

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agencies and instrumentalities for the prevention and/or abatement of water pollution not inconsistent with this Act shall supplement the rules and regulations issued by the Department, pursuant to the provisions of this Act.

The draft of the implementing rules and regulations shall be published and be the subject of public consultations with affected sectors.

There shall be a mandatory review of the implementing rules and regulations and standards set pursuant to the provisions of this Act.

SEC. 33. *Joint Congressional Oversight Committee.* – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated by the Department. The Committee shall be composed of five Senators; and five Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Committee on Environment of the Senate and the Committee on Ecology of the House of Representatives.

SEC. 34. *Repealing Clause.* – Presidential Decree No. 984 is hereby repealed. Republic Act Nos. 6969 and 4850 as amended, Presidential Decree Nos. 1586, 1152, 979 and 856 are hereby amended and modified accordingly. All other laws, orders, issuance, rules and regulations inconsistent herewith are hereby repealed or modified accordingly.

SEC. 35. *Separability Clause.* – If any provision of this Act or the application such provision to any person or circumstances is declared unconstitutional, the remainder of the Act or the application of such provision to other person or circumstances shall not be affected by such declaration.

SEC. 36. *Effectivity.* – This Act shall take effect 15 days from the date of its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved: March 22, 2004.

REPUBLIC ACT No. 9303
AN ACT DECLARING MT. HAMIGUITAN RANGE AND ITS VICINITIES
AS PROTECTED AREA UNDER THE CATEGORY OF WILDLIFE SANCTUARY
AND ITS PERIPHERAL AREAS AS BUFFER ZONE AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Short Title. – This Act shall be known as “*Mt. Hamiguitan Range Wildlife Sanctuary Act of 2004.*”

SEC. 2. Declaration of Policy. – Cognizant of the profound impact of man’s activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement, and recognizing the critical importance of protecting and maintaining the natural biologically unique features to sustain human life and development, as well as plant and animal life, it is hereby declared the policy of the State to provide that the management, protection, sustainable development, and rehabilitation of protected areas shall be undertaken primarily to ensure the conservation of biological diversity and that the use and enjoyment of protected areas must be consistent with that principle.

SEC. 3. Scope. – Certain parcels of land situated in the municipalities of Mati, San Isidro, and Governor Generoso, Province of Davao Oriental, Island of Mindanao, are hereby established as a protected area under the category of wildlife sanctuary to be known as the Mt. Hamiguitan Range Wildlife Sanctuary and the areas within its peripheral areas as buffer zone. Such protected area and buffer zone shall become part of the National Integrated Protected Areas System (NIPAS) subject to such rights as are provided for in this Act.

The Department of Environment and Natural Resources (DENR) shall mark on the ground the boundaries set forth in this Act which shall not be modified except by an act of Congress. The parcels of land covered herein are more particularly described by the following technical description:

PROTECTED AREA

Bounded by its peripheral area as buffer zone, beginning at a point marked “1” on the map and on the ground being S 48° 49’ E from the junction of Dumagooc River and Licub Creek:

Thence,	N 48° 49’ W,	265.80 meters to corner 2,
Thence,	N 02° 29’ E,	575.50 meters to corner 3,
Thence,	N 05° 26’ W,	527.40 meters to corner 4,
Thence,	N 21° 03’ E,	456.50 meters to corner 5,
Thence,	N 21° 02’ E,	348.20 meters to corner 6,
Thence,	N 48° 01’ E,	336.30 meters to corner 7,
Thence,	N 26° 34’ E,	391.30 meters to corner 8,
Thence,	N 26° 34’ E,	469.60 meters to corner 9,
Thence,	N 36° 26’ E,	261.00 meters to corner 10,

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Thence,	N 13° 30' W,	385.70	meters to corner 11,
Thence,	N 37° 42' W,	278.00	meters to corner 12,
Thence,	N 37° 43' W,	335.00	meters to corner 13,
Thence,	N 37° 43' W,	335.00	meters to corner 14,
Thence,	N 45° 00' E,	459.60	meters to corner 15,
Thence,	N 28° 04' W,	340.00	meters to corner 16,
Thence,	N 11° 19' E,	433.40	meters to corner 17,
Thence,	N 25° 10' E,	552.50	meters to corner 18,
Thence,	N 24° 23' E,	411.70	meters to corner 19,
Thence,	N 23° 58' W,	492.40	meters to corner 20,
Thence,	N 07° 40' W,	524.70	meters to corner 21,
Thence,	N 07° 31' W,	458.90	meters to corner 22,
Thence,	N 09° 05' W,	506.40	meters to corner 23,
Thence,	N 02° 23' W,	552.40	meters to corner 24,
Thence,	N 52° 30' E,	460.00	meters to corner 25,
Thence,	N 52° 34' E,	510.00	meters to corner 26,
Thence,	N 52° 26' E,	410.00	meters to corner 27,
Thence,	N 61° 42' E,	369.10	meters to corner 28,
Thence,	N 23° 58' E,	246.20	meters to corner 29,
Thence,	N 31° 24' E,	451.10	meters to corner 30,
Thence,	N 78° 41' E,	407.90	meters to corner 31,
Thence,	N 35° 45' E,	308.10	meters to corner 32,
Thence,	N 35° 00' E,	305.20	meters to corner 33,
Thence,	N 64° 00' E,	456.20	meters to corner 34,
Thence,	N 41° 23' E,	279.90	meters to corner 35,
Thence,	N 42° 31' W,	407.00	meters to corner 36,
Thence,	N 34° 34' E,	273.20	meters to corner 37,
Thence,	N 11° 19' E,	458.90	meters to corner 38,
Thence,	N 46° 55' E,	424.50	meters to corner 39,
Thence,	N 46° 24' E,	290.00	meters to corner 40,
Thence,	N 58° 24' E,	305.30	meters to corner 41,
Thence,	N 00° 00' E,	225.00	meters to corner 42,
Thence,	N 90° 00' E,	400.00	meters to corner 43,
Thence,	S 72° 46' E,	322.10	meters to corner 44,

Thence,	S 45° 00' W,	226.30 meters to corner 45,
Thence,	S 45° 00' E,	353.60 meters to corner 46,
Thence,	N 79° 03' E,	315.80 meters to corner 47,
Thence,	S 27° 46' E,	429.40 meters to corner 48,
Thence,	S 82° 53' W,	201.60 meters to corner 49,
Thence,	S 50° 54' W,	515.40 meters to corner 50,
Thence,	N 90° 00' E,	350.00 meters to corner 51,
Thence,	N 72° 54' W,	340.00 meters to corner 52,
Thence,	N 59° 14' E,	244.40 meters to corner 53,
Thence,	N 59° 14' E,	244.40 meters to corner 54,
Thence,	S 39° 48' E,	273.40 meters to corner 55,
Thence,	S 25° 01' E,	496.60 meters to corner 56,
Thence,	S 25° 10' E,	458.50 meters to corner 57,
Thence,	S 00° 00' E,	310.00 meters to corner 58,
Thence,	N 90° 00' W,	260.00 meters to corner 59,
Thence,	S 24° 27' W,	302.10 meters to corner 60,
Thence,	S 59° 26' W,	291.60 meters to corner 61,
Thence,	S 09° 50' E,	380.60 meters to corner 62,
Thence,	N 66° 48' E,	190.40 meters to corner 63,
Thence,	N 66° 40' E,	277.70 meters to corner 64,
Thence,	S 47° 04' E,	293.60 meters to corner 65,
Thence,	S 76° 42' E,	282.60 meters to corner 66,
Thence,	S 07° 12' E,	478.80 meters to corner 67,
Thence,	S 24° 27' E,	302.10 meters to corner 68,
Thence,	N 21° 48' E,	269.30 meters to corner 69,
Thence,	N 64° 30' W,	360.10 meters to corner 70,
Thence,	S 38° 40' W,	288.10 meters to corner 71,
Thence,	N 38° 40' W,	256.10 meters to corner 72,
Thence,	S 60° 57' W,	360.40 meters to corner 73,
Thence,	S 53° 08' E,	250.00 meters to corner 74,
Thence,	S 18° 58' W,	169.20 meters to corner 75,
Thence,	S 63° 26' E,	167.70 meters to corner 76,
Thence,	S 33° 41' W,	180.30 meters to corner 77,
Thence,	S 29° 45' E,	201.60 meters to corner 78,

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Thence,	S 41° 45' E,	531.60 meters to corner 79,
Thence,	S 90° 00' E,	280.00 meters to corner 80,
Thence,	S 23° 12' W,	380.80 meters to corner 81,
Thence,	S 23° 34' W,	300.00 meters to corner 82,
Thence,	S 19° 59' E,	468.20 meters to corner 83,
Thence,	S 19° 30' E,	254.60 meters to corner 84,
Thence,	N 77° 17' E,	315.80 meters to corner 85,
Thence,	S 26° 02' E,	478.50 meters to corner 86,
Thence,	S 26° 34' E,	559.00 meters to corner 87,
Thence,	S 04° 17' W,	401.10 meters to corner 88,
Thence,	S 04° 20' W,	290.80 meters to corner 89,
Thence,	S 71° 34' E,	316.20 meters to corner 90,
Thence,	S 14° 11' W,	469.30 meters to corner 91,
Thence,	N 86° 41' W,	270.40 meters to corner 92,
Thence,	S 36° 02' E,	340.00 meters to corner 93,
Thence,	S 43° 25' W,	509.30 meters to corner 94,
Thence,	S 43° 09' W,	329.00 meters to corner 95,
Thence,	N 79° 01' W,	341.30 meters to corner 96,
Thence,	S 09° 28' E,	456.20 meters to corner 97,
Thence,	S 42° 12' W,	580.50 meters to corner 98,
Thence,	S 42° 05' W,	485.00 meters to corner 99,
Thence,	S 42° 10' W,	342.70 meters to corner 100,
Thence,	S 11° 13' W,	418.70 meters to corner 101,
Thence,	S 11° 41' W,	419.70 meters to corner 102,
Thence,	N 90° 00' W,	500.00 meters to corner 103,
Thence,	N 90° 00' W,	425.00 meters to corner 104,
Thence,	N 90° 00' W,	590.00 meters to corner 105,
Thence,	N 90° 00' W,	680.00 meters to corner 106,
Thence,	N 90° 00' W,	430.00 meters to corner 107,
Thence,	N 90° 00' W,	360.00 meters to corner 108,
Thence,	N 90° 00' W,	320.00 meters to corner 109,
Thence,	N 39° 48' W,	390.50 meters to corner 110,
Thence,	N 26° 34' W,	335.40 meters to corner 111,
Thence,	N 26° 19' W,	507.60 meters to corner 112,

Thence, N 46° 51' W, 329.00 meters to corner 113,
 Thence, N 46° 44' W, 350.20 meters to corner 114,
 Thence, N 05° 29' W, 627.90 meters to corner 115,
 Thence, N 03° 15' W, 354.32 meters to the point of beginning.

Buffer Zone

Bounded on the northeast to southeast directions from corner 30 to corner 82 by Project No. 9-J, Block-A, Timberland under L.C. Map No. 2660, certified on September 5, 1975; on the South from corner 82 to corner 96 by Project No. 3-E, Block-C, per L.C. Map No. 2660, certified on September 5, 1975; from corner 96 to corner 97 and corner 1 to corner 2 by Project No. 3-F, Block-III, Alienable and Disposable per L.C. Map No. 2660, certified on September 5, 1975; and from corner 30 by Project No. 33 Block-A, Timberland per L.C. Map No. 2667, certified on July 23, 1971. Beginning at a point marked "1" on the map and on the ground being identical to corner 2 of the Wildlife Sanctuary:

Thence, N 48° 49' W, 265.80 meters to corner 2,
 Thence, N 02° 29' E, 600.00 meters to corner 3,
 Thence, N 05° 26' W, 530.00 meters to corner 4,
 Thence, N 21° 03' E, 550.00 meters to corner 5,
 Thence, 21° 03' E, 420.00 meters to corner 6,
 Thence, N 48° 01' E, 390.00 meters to corner 7,
 Thence, N 26° 34' E, 300.00 meters to corner 8,
 Thence, N 26° 34' E, 500.00 meters to corner 9,
 Thence, N 36° 26' E, 250.00 meters to corner 10,
 Thence, N 13° 30' E, 250.00 meters to corner 11,
 Thence, N 37° 42' W, 190.00 meters to corner 12,
 Thence, N 37° 43' W, 300.00 meters to corner 13,
 Thence, N 37° 43' W, 500.00 meters to corner 14,
 Thence, N 45° 00' E, 480.00 meters to corner 15,
 Thence, N 28° 04' W, 300.00 meters to corner 16,
 Thence, N 11° 19' E, 420.00 meters to corner 17,
 Thence, N 25° 10' E, 600.00 meters to corner 18,
 Thence, N 24° 23' E, 350.00 meters to corner 19,
 Thence, N 23° 58' W, 380.00 meters to corner 20,
 Thence, N 07° 40' W, 630.00 meters to corner 21,
 Thence, N 07° 31' W, 420.00 meters to corner 22,
 Thence, N 09° 05' W, 520.00 meters to corner 23,
 Thence, N 09° 23' W, 650.00 meters to corner 24,

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Thence,	N 52° 30' E,	610.00 meters to corner 25,
Thence,	N 02° 34' E,	460.00 meters to corner 26,
Thence,	N 52° 26' E,	420.00 meters to corner 27,
Thence,	N 61° 42' E,	350.00 meters to corner 28,
Thence,	N 23° 58' E,	170.00 meters to corner 29,
Thence,	N 31° 24' E,	610.00 meters to corner 30,
Thence,	S 78° 41' E,	400.00 meters to corner 31,
Thence,	N 35° 45' E,	620.00 meters to corner 32,
Thence,	N 64° 00' E,	620.00 meters to corner 33,
Thence,	S 41° 23' E,	490.00 meters to corner 34,
Thence,	S 42° 31' W,	400.00 meters to corner 35,
Thence,	S 34° 34' E,	120.00 meters to corner 36,
Thence,	S 11° 19' E,	200.00 meters to corner 37,
Thence,	S 46° 55' E,	500.00 meters to corner 38,
Thence,	N 58° 24' E,	600.00 meters to corner 39,
Thence,	S 00° 00' E,	150.00 meters to corner 40,
Thence,	S 90° 00' E,	330.00 meters to corner 41,
Thence,	S 27° 46' E,	590.00 meters to corner 42,
Thence,	S 45° 00' W,	310.00 meters to corner 43,
Thence,	S 27° 46' E,	550.00 meters to corner 44,
Thence,	N 59° 14' E,	400.00 meters to corner 45,
Thence,	S 39° 48' E,	450.00 meters to corner 46,
Thence,	S 25° 01' E,	550.00 meters to corner 47,
Thence,	S 25° 10' E,	500.00 meters to corner 48,
Thence,	S 00° 00' E,	560.00 meters to corner 49,
Thence,	N 90° 00' W,	300.00 meters to corner 50,
Thence,	S 24° 27' W,	200.00 meters to corner 51,
Thence,	S 47° 04' E,	380.00 meters to corner 52,
Thence,	S 76° 42' E,	400.00 meters to corner 53,
Thence,	S 07° 12' E,	560.00 meters to corner 54,
Thence,	S 24° 27' E,	400.00 meters to corner 55,
Thence,	S 21° 48' W,	700.00 meters to corner 56,
Thence,	N 64° 30' W,	400.00 meters to corner 57,
Thence,	S 38° 40' W,	300.00 meters to corner 58,

Thence, S 63° 26' E, 100.00 meters to corner 59,
 Thence, S 33° 41' W, 290.00 meters to corner 60,
 Thence, S 29° 45' E, 210.00 meters to corner 61,
 Thence, S 41° 11' W, 400.00 meters to corner 62,
 Thence, N 90° 00' E, 110.00 meters to corner 63,
 Thence, S 23° 12' W, 600.00 meters to corner 64,
 Thence, S 23° 34' W, 300.00 meters to corner 65,
 Thence, S 19° 59' E, 410.00 meters to corner 66,
 Thence, S 19° 30' E, 300.00 meters to corner 67,
 Thence, N 77° 17' E, 670.00 meters to corner 68,
 Thence, S 26° 02' E, 550.00 meters to corner 69,
 Thence, S 04° 17' W, 650.00 meters to corner 70,
 Thence, S 71° 34' E, 310.00 meters to corner 71,
 Thence, S 14° 11' W, 780.00 meters to corner 72,
 Thence, S 36° 02' E, 120.00 meters to corner 73,
 Thence, S 43° 25' W, 700.00 meters to corner 74,
 Thence, S 43° 09' W, 480.00 meters to corner 75,
 Thence, N 79° 01' W, 190.00 meters to corner 76,
 Thence, S 09° 28' E, 300.00 meters to corner 77,
 Thence, S 42° 12' W, 680.00 meters to corner 78,
 Thence, S 42° 05' W, 480.00 meters to corner 79,
 Thence, S 42° 10' W, 230.00 meters to corner 80,
 Thence, S 11° 13' W, 400.00 meters to corner 81,
 Thence, S 11° 41' W, 570.00 meters to corner 82,
 Thence, N 90° 00' W, 690.00 meters to corner 83,
 Thence, N 90° 00' W, 425.00 meters to corner 84,
 Thence, N 90° 00' W, 590.00 meters to corner 85,
 Thence, N 90° 00' W, 680.00 meters to corner 86,
 Thence, N 90° 00' W, 430.00 meters to corner 87,
 Thence, N 90° 00' W, 360.00 meters to corner 88,
 Thence, N 90° 00' W, 320.00 meters to corner 89,
 Thence, N 39° 48' W, 480.00 meters to corner 90,
 Thence, N 26° 34' W, 400.00 meters to corner 91,
 Thence, N 26° 19' W, 470.00 meters to corner 92,

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Thence,	N 46° 51' W,	300.00 meters to corner 93,
Thence,	N 46° 44' W,	470.00 meters to corner 94,
Thence,	N 05° 29' W,	730.00 meters to corner 95,
Thence,	N 79° 01' W,	341.30 meters to corner 96,
Thence,	S 09° 28' E,	456.20 meters to corner 97,
Thence,	S 48° 49' E,	265.80 meters to corner 98,
Thence,	S 03° 15' E,	354.32 meters to corner 99,
Thence,	S 05° 29' E,	627.90 meters to corner 100,
Thence,	S 46° 44' E,	350.20 meters to corner 101,
Thence,	S 46° 51' E,	329.00 meters to corner 102,
Thence,	S 26° 19' E,	507.60 meters to corner 103,
Thence,	S 26° 34' E,	335.40 meters to corner 104,
Thence,	S 39° 48' E,	390.50 meters to corner 105,
Thence,	S 90° 00' E,	320.00 meters to corner 106,
Thence,	S 90° 00' E,	360.00 meters to corner 107,
Thence,	S 90° 00' E,	430.00 meters to corner 108,
Thence,	S 90° 00' E,	680.00 meters to corner 109,
Thence,	S 90° 00' E,	590.00 meters to corner 110,
Thence,	S 90° 00' E,	425.00 meters to corner 111,
Thence,	S 90° 00' E,	500.00 meters to corner 112,
Thence,	N 11° 41' E,	419.70 meters to corner 113,
Thence,	N 11° 13' E,	418.70 meters to corner 114,
Thence,	N 42° 10' E,	342.70 meters to corner 115,
Thence,	N 42° 05' E,	485.00 meters to corner 116,
Thence,	N 42° 12' E,	580.50 meters to corner 117,
Thence,	N 09° 28' W,	456.20 meters to corner 118,
Thence,	S 79° 01' E,	541.30 meters to corner 119,
Thence,	N 43° 09' E,	329.00 meters to corner 120,
Thence,	N 43° 25' E,	509.30 meters to corner 121,
Thence,	N 36° 02' E,	340.00 meters to corner 122,
Thence,	N 86° 41' E,	270.40 meters to corner 123,
Thence,	N 14° 11' E,	469.30 meters to corner 124,
Thence,	N 71° 34' W,	316.20 meters to corner 125,
Thence,	N 04° 20' E,	290.80 meters to corner 126,

Thence, N 04° 17' E, 401.10 meters to corner 127,
 Thence, N 26° 34' W, 559.00 meters to corner 128,
 Thence, N 26° 02' W, 478.50 meters to corner 129,
 Thence, S 77° 17' W, 315.80 meters to corner 130,
 Thence, N 19° 30' W, 254.60 meters to corner 131,
 Thence, N 19° 59' W, 468.20 meters to corner 132,
 Thence, N 23° 34' E, 300.00 meters to corner 133,
 Thence, N 23° 12' E, 380.80 meters to corner 134,
 Thence, S 90° 00' W, 280.00 meters to corner 135,
 Thence, N 41° 11' E, 531.60 meters to corner 136,
 Thence, N 29° 45' W, 201.60 meters to corner 137,
 Thence, N 33° 41' E, 180.30 meters to corner 138,
 Thence, N 63° 26' W, 167.70 meters to corner 139,
 Thence, N 18° 58' E, 169.20 meters to corner 140,
 Thence, N 53° 08' W, 250.00 meters to corner 141,
 Thence, N 60° 57' W, 360.40 meters to corner 142,
 Thence, N 38° 40' E, 256.10 meters to corner 143,
 Thence, N 38° 40' W, 288.10 meters to corner 144,
 Thence, N 64° 30' W, 360.10 meters to corner 145,
 Thence, N 21° 48' E, 269.30 meters to corner 146,
 Thence, N 24° 27' W, 302.10 meters to corner 147,
 Thence, N 07° 12' W, 478.80 meters to corner 148,
 Thence, N 76° 42' W, 282.60 meters to corner 149,
 Thence, N 47° 04' W, 293.60 meters to corner 150,
 Thence, S 66° 40' W, 277.70 meters to corner 151,
 Thence, S 66° 48' W, 190.40 meters to corner 152,
 Thence, N 09° 50' E, 380.60 meters to corner 153,
 Thence, N 59° 02' E, 291.60 meters to corner 154,
 Thence, N 24° 27' E, 302.10 meters to corner 155,
 Thence, N 90° 00' E, 260.00 meters to corner 156,
 Thence, N 00° 00' E, 310.00 meters to corner 157,
 Thence, N 25° 10' W, 458.50 meters to corner 158,
 Thence, N 25° 01' W, 496.60 meters to corner 159,
 Thence, N 39° 48' W, 273.40 meters to corner 160,

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Thence,	S 59° 14' W,	244.40 meters to corner 161,
Thence,	S 59° 14' W,	244.40 meters to corner 162,
Thence,	S 72° 54' W,	340.00 meters to corner 163,
Thence,	S 90° 00' E,	350.00 meters to corner 164,
Thence,	N 50° 54' E,	515.40 meters to corner 165,
Thence,	N 82° 53' E,	201.60 meters to corner 166,
Thence,	N 27° 46' W,	429.40 meters to corner 167,
Thence,	S 79° 03' W,	315.80 meters to corner 168,
Thence,	N 45° 00' E,	353.60 meters to corner 169,
Thence,	N 45° 00' E,	226.30 meters to corner 170,
Thence,	N 27° 48' W,	322.10 meters to corner 171,
Thence,	S 90° 00' W,	400.00 meters to corner 172,
Thence,	N 00° 00' W,	225.00 meters to corner 173,
Thence,	N 58° 24' W,	305.30 meters to corner 174,
Thence,	S 46° 24' W,	290.00 meters to corner 175,
Thence,	S 46° 55' W,	424.50 meters to corner 176,
Thence,	N 11° 19' W,	458.90 meters to corner 177,
Thence,	N 34° 34' W,	273.20 meters to corner 178,
Thence,	N 42° 31' E,	407.00 meters to corner 179,
Thence,	N 41° 23' W,	279.90 meters to corner 180,
Thence,	N 64° 00' W,	456.20 meters to corner 181,
Thence,	S 35° 00' W,	305.20 meters to corner 182,
Thence,	S 35° 45' W,	308.10 meters to corner 183,
Thence,	N 78° 41' W,	407.90 meters to corner 184,
Thence,	S 31° 24' W,	451.10 meters to corner 185,
Thence,	S 23° 58' W,	246.20 meters to corner 186,
Thence,	S 61° 42' W,	369.10 meters to corner 187,
Thence,	S 52° 26' W,	410.00 meters to corner 188,
Thence,	S 52° 34' W,	510.00 meters to corner 189,
Thence,	S 52° 30' W,	460.00 meters to corner 190,
Thence,	S 09° 23' E,	552.40 meters to corner 191,
Thence,	S 09° 05' E,	506.40 meters to corner 192,
Thence,	S 07° 31' E,	458.90 meters to corner 193,
Thence,	S 07° 40' E,	524.70 meters to corner 194,

Thence, S 23° 58' E, 492.40 meters to corner 195,
 Thence, S 24° 23' W, 411.70 meters to corner 196,
 Thence, S 25° 10' W, 552.50 meters to corner 197,
 Thence, S 11° 19' W, 433.40 meters to corner 198,
 Thence, S 28° 04' E. 340.00 meters to corner 199,
 Thence, S 45° 00' W, 459.60 meters to corner 200,
 Thence, S 37° 43' E, 335.00 meters to corner 201,
 Thence, S 37° 43' E, 335.00 meters to corner 202,
 Thence, S 37° 42' E, 278.00 meters to corner 203,
 Thence, S 13° 30' W, 385.70 meters to corner 204,
 Thence, S 36° 26' W, 261.00 meters to corner 205,
 Thence, S 26° 34' W, 469.60 meters to corner 206,
 Thence, S 26° 34' W, 391.30 meters to corner 207,
 Thence, S 48° 01' W, 336.30 meters to corner 208,
 Thence, S 21° 02' W, 348.20 meters to corner 209
 Thence, S 03° 00' W, 456.50 meters to corner 210
 Thence, S 05° 26' E, 527.40 meters to corner 211
 Thence S 02° 29' W, 575.50 meters to the point of beginning,
 containing an area of approximately 6,834 hectares more or less.

SEC. 4. Definition of Terms.

- (a) *National Integrated Protected Areas System (NIPAS)* refers to the classification and inclusion of all designated protected areas into one system pursuant to Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992 to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.
- (b) *Protected area* refers 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.
- (c) *Buffer zone* refers to identified areas outside the boundaries of and immediately adjacent to designated areas that need special development control in order to avoid or minimize harm to the protected area.
- (d) *Wildlife sanctuary* refers to an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for their perpetuation.
- (e) *Indigenous Cultural Community (ICC)* refers to a group of people sharing common bonds of language, customs and tradition and other distinct cultural traits, as further defined under Republic Act No. 8371 or the Indigenous Peoples' Rights Act (IPRA) of 1997.

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- (f) *Natural park* refers to 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 uses of national or international significance for scientific, educational and recreational use.
- (g) *Tenured migrants* refer to occupants within the protected area who have actually and continuously occupied such area for five years before the designation of the same as protected area and are solely dependent therein for subsistence.
- (h) *Biodiversity* refers to the variety of life in all its forms found on earth.
- (i) *Protected Area Management Board (PAMB)* refers to a multi-sectoral body tasked in planning for the appropriate management strategy to ensure resource protection and the general administration of the protected area.
- (j) *Private rights* refers to the right of individual persons to own, under existing laws, and in the case of indigenous cultural communities, rights of possession since time immemorial, which possession may include places of abode and worship, burial grounds and well-defined territories.

SEC. 5. Management Plan. – A management plan and a management manual consistent with the General Management Planning Strategy (GMPS) pursuant to Republic Act No. 7586 shall be prepared by the DENR in coordination with the PAMB of the Mt. Hamiguitan Range Wildlife Sanctuary, concerned LGUs, and other sectors affected which shall serve as bases for the protection and conservation of the biodiversity of the protected area.

The management plan shall be approved by the PAMB and certified to by the DENR Secretary that it conforms to national laws, this Act, and pertinent DENR rules and regulations on protected areas.

SEC. 6. Administration and Management. – The Mt. Hamiguitan Range Wildlife Sanctuary shall be under the administrative jurisdiction of the DENR through the PAMB. Pursuant hereto, the following institutional arrangement is hereby adopted:

- (A) *The Department of Environment and Natural Resources (DENR).* – The Secretary of the DENR shall have supervision over the management of Mt. Hamiguitan Range Wildlife Sanctuary, hereinafter referred to as the Protected Area (PA), and is empowered to perform any and all of the following acts:
 - (a) Cause the boundary demarcation of the PA;
 - (b) Conduct of studies on various characteristics, features and condition of the PA;
 - (c) Adopt and enforce land-use scheme and zoning plan in adjoining areas that may threaten the ecological balance in the PA;
 - (d) Certify that the PA Management Plan conforms to all national rules and regulations on protected area management, and to communicate objections, if any, to the PAMB within sixty (60) days upon receipt thereof, otherwise the PA Management Plan is considered approved;
 - (e) Coordinate with other government agencies, academic institutions, etc., for collaborative programs, projects and activities affecting the PA;
 - (f) Submit to the Office of the President and to Congress the annual report of the PA; and
 - (g) Formulate the implementing rules and regulations necessary to carry out the provisions of this Act.

(B) *The Protected Area Management Board (PAMB)*. – There shall be a Protected Area Management Board which shall serve as the highest policy-making body of the Mt. Hamiguitan Range Wildlife Sanctuary. It shall be composed of the following: the Regional Executive Director (RED) of DENR Region XI who shall act as PAMB Chairman; the Provincial Governor of Davao Oriental or his authorized representative; the Provincial Planning and Development Officer or his authorized representative; the municipality/city mayors of Mati, San Isidro and Governor Generoso or their respective authorized representatives; all barangay captains within the Mt. Hamiguitan Range Wildlife Sanctuary; three representatives from people’s organizations and non-government organizations from the municipalities of Mati, San Isidro and Governor Generoso; representatives from other departments or national government agencies operating within the protected area which can potentially contribute to protected area management; and other stakeholders who can potentially contribute in the protection, preservation and conservation of the Mt. Hamiguitan Range Wildlife Sanctuary.

Specifically, the PAMB shall exercise the following powers and functions:

1. Review, approve and adopt a management plan for the PA;
2. Review the deputation of individuals/groups to augment the PA’s protection personnel and thereafter indorse the list to the regional executive director for approval;
3. Fix and impose administrative fees for the use of the PA and fines for violations of prohibited acts in the PA;
4. Approve contracts and agreements consistent with the purpose of this Act except international contracts and agreements;
5. Accept donations and grants in the form of contributions and endowments;
6. Review and approve a work and financial plan for the PA;
7. Coordinate with other government agencies, academic institutions, etc., involved in the management, development and conservation of the PA;
8. Submit an annual report to the DENR Secretary;
9. Delegate authority to the PAMB Executive Committee;
10. Prepare or cause the inventory of protected flora and fauna;
11. Permit, control or regulate the following within the PA:
 - a. Infrastructures;
 - b. Public utilities;
 - c. Occupancy of appropriate management zones;
 - d. Dumping of waste;
 - e. Use of motorized equipment;
 - f. Business enterprise;
 - g. Other use of the PA such as mountain climbing, research/study; and
 - h. Recreational activities
12. Promulgate rules and policies for the conduct of its business; and

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13. Initiate and file suits against entities whose existence and/or operations have detrimental effect on the PA.

(C) *The DENR Regional Executive Director (RED) for Region XI.*

- a. As chairman of the PAMB, sign/approve contracts and agreements consistent with this Act except international contracts and agreements; and
- b. Approve the deputation of field officers.

(D) *The Protected Area Superintendent's Office (PASO).* – There is hereby created a Protected Area Superintendent's Office which shall be supported by a sufficient number of personnel who shall perform day-to-day management, protection and administration of the PA. The head of the office shall be the chief operation officer of the Mt. Hamiguitan Range Wildlife Sanctuary and shall be accountable to the RED of the DENR-Region XI and the PAMB.

SEC. 7. Existing Facilities Within the PA. – Existing facilities within the PA prior to the enactment of this Act shall be subjected to inventory and assessment by the PAMB using its own criteria which shall consider the impact of said facilities on the PA, on biodiversity conservation, resolution of possible conflict between public interest against local interest and national significance of said facilities.

The PAMB, through the PASO, shall monitor the operations of said facilities and shall recommend appropriate actions/measures if said facilities are found not consistent with the purpose of this Act. The PAMB shall also impose royalties or administrative fees or adopt a profit sharing scheme on said facilities subject to negotiations with concerned proponent/s.

SEC. 8. Ancestral Lands and Rights Over Them. – Ancestral lands and domain within the PA shall be recognized and managed pursuant to Republic Act No. 8371.

SEC. 9. Tenured Migrants. – Tenured migrants shall be eligible to become stewards of portions of land within production zones as may be designated by the DENR and from which they may derive subsistence. The DENR shall develop an appropriate tenurial instrument for these inhabitants within the PA.

Tenured migrants shall be considered and treated individually or per household on the basis of head of families with legitimate dependents.

Tenured migrants occupying portions of ancestral domain shall be treated separately. The PAMB shall develop appropriate mechanisms to resolve any dispute arising therein. Absentee/transient migrants in the PA who do not qualify as tenured migrants shall not be eligible to become stewards of portions of land within multiple-use and sustainable zones.

SEC. 10. Other Activities Within the PA. – Proposals for activities like construction of dams, irrigation, canals, transmission lines, access roads/trails and buildings which are outside the scope of the management plan for the PA shall, upon permission of the PAMB, be subject to an environmental impact assessment as required by law before they are adopted, and the results thereof shall be taken into consideration in the decision-making process. No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippine Environment Impact Assessment (EIA) System. In instances where such activities are to be undertaken, the proponent shall plan and carry them out in such manner as will minimize any adverse effects and take preventive and remedial action when appropriate. The proponent shall be liable for damage due to lack of caution or indiscretion.

The PAMB shall determine what activities for the essential use of the communities shall be allowed consistent with the management plan and based on biodiversity criteria and management zoning plan.

Areas under the management of other agencies of the government shall be integrated in the overall management plan of the PA.

SEC. 11. Local Government Units (LGUs). – The local government units (LGUs) within the PA shall be bound to follow the management plan and adopt it once approved. The LGUs shall not pass ordinances to amend the management plan nor shall the management plan be overturned by an ordinance.

Segregation of portions of the PA for LGU use, such as tourism and industrial estate, shall be assessed based on biodiversity criteria and consistent with the management plan of the PA.

Any development/project proposals of the LGU within the PA shall, prior to its implementation, be reviewed, evaluated and approved by the PAMB.

SEC. 12. 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 PA 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 PA, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the PA; and such other fees and incomes derived from the operation of the PA.

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 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.

All donations, grants, endowments shall be exempted from the donor's tax and all other taxes, charges and fees imposed by the government.

SEC. 13. Special Prosecutors. – The Department of Justice (DOJ) shall designate special prosecutors to prosecute violations of laws, rules and regulations in the PA.

SEC. 14. Prohibited Acts. – The following acts are prohibited within the PA:

1. *Cutting, gathering or collecting timber or other forest products without license.* – Any person who shall cut, gather, collect, remove timber or other forest products from any forest land within the PA without any authority under a license or permit, or possess timber or other forest products without the legal documents as required under existing forestry laws and regulations, shall be guilty of qualified theft as defined and punishable under Articles 309 and 310 of the Revised Penal Code.
2. *Squatting.* – Any person who with the use of force, intimidation or threat, or taking advantage of the absence or tolerance of the landowner/claimant, succeeds in occupying or possessing the property/claim of the latter against his will, for residential, commercial or any other purposes, shall be punished by imprisonment ranging from six months to one year or a fine of not less than One Thousand Pesos (P1,000) nor more than Five Thousand Pesos (P5,000) at the discretion of the court, with subsidiary imprisonment in case of insolvency.

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If the offender is a corporation or association, the maximum penalty of five years imprisonment and a fine of Five Thousand Pesos (P5,000) shall be imposed upon the president, director, manager or managing partners thereof.

3. Unlawful occupation or destruction of forest lands within the PA. - Any person who enters and occupies or possesses or makes kaingin for his own private use or for others any land within the PA without any authority or permit from the PAMB or in any manner destroys such land or part thereof or causes any damage to the timber stand and other forest products and forest growths found therein shall be punishable by the penalties provided for in Section 15 hereof.
4. Except as may be allowed by the nature of their categories and pursuant to the rules and regulations governing the same, the following additional acts are prohibited within the PA and shall subject those found guilty by the penalties provided for in Section 15 hereof.
 - a. Hunting, destroying, disturbing, or more possession of any plant or animal or products derived therefrom without a permit from concerned authorities;
 - b. Dumping of any waste products detrimental to the PA, or to the plants and animals or inhabitants therein;
 - c. Using any motorized equipment without a permit from the PAMB;
 - d. Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities;
 - e. Damaging and leaving roads and trails in a damaged condition;
 - f. Mineral exploration and survey of energy resources;
 - g. Constructing or maintaining any kind of structure, fence or enclosures, and conducting any business enterprise without a permit;
 - h. Leaving in exposed or unsanitary conditions refuse or debris, or depositing such in the grounds or in bodies of water;
 - i. Altering, removing, destroying or defacing boundary markers, monuments or interpretative signs; and
 - j. Entry without a permit of the following:
 1. Mountain climbers;
 2. Campers;
 3. Spelunkers;
 4. Study/research groups/individuals; and
 5. Visitors.
 - k. Mining, sand and gravel quarrying/extraction; and
 - l. Buying, selling or transferring of rights over any land within the PA.

SEC. 15. Penalties. – Whoever is found guilty of the acts prohibited under this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by competent court of justice of any of the offenses in the preceding section shall be penalized with a fine of not less than Five Thousand Pesos (P5,000) nor more than Five Hundred Thousand Pesos (P500,000), exclusive of the value of the thing damaged, or imprisonment for not less than one year but not more than six

years, or both, as determined by the court: *Provided*, That the offender shall also be required to restore or compensate for the restoration to the damage: *Provided, further*, That the court shall order the eviction of the offender from the land and the forfeiture in favor of the government of all minerals, timber, or any species collected or removed including all equipment, devices and firearms used in connection therewith, or any construction or improvements made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers: *Provided, finally*, That the DENR shall impose administrative fines and penalties it may deem fit and consistent with this Act.

SEC. 16. 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 IPAF constituted under this Act.

SEC. 17. Transitory Provisions. – All regular DENR and other personnel assigned/detailed with the Office of the Mt. Hamiguitan Range Wildlife Sanctuary of the DENR-Region XI prior to the approval of this Act will form part of the PA regular staff.

Portions of the PA which are within the jurisdiction of the Provincial Environment and Natural Resources Office (PENRO) and the Community Environment and Natural Resources Office (CENRO) in Davao Oriental, as the case may be, shall be transferred to the administrative jurisdiction of the PA.

SEC. 18. Separability Clause. – If any part or section of this Act is declared unconstitutional, such declaration shall not affect in any manner the other parts or sections of this Act.

SEC. 19. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provision of this Act shall be deemed repealed or modified accordingly.

SEC. 20. Effectivity Clause. – This Act shall take effect 15 days after its publication in two newspapers of general circulation.

Approved: July 30, 2004

REPUBLIC ACT No. 9304
AN ACT TO ESTABLISH MT. MALINDANG NATURAL PARK,
LOCATED IN THE PROVINCE OF MISAMIS OCCIDENTAL AS A PROTECTED AREA
AND ITS PERIPHERAL AREAS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT PURSUANT
TO REPUBLIC ACT No. 7586 (NIPAS ACT OF 1992) AND FOR OTHER PURPOSES

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

CHAPTER I

INTRODUCTORY PROVISIONS

SECTION 1. Title. – This Act shall be known as the *“Mt. Malindang Range Natural Park Act of 2004.”*

SEC. 2. Declaration of Policy. – Considering the importance of Mt. Malindang’s unique biological resources and its aesthetic and ecological importance, it behooves the State to undertake steps for its protection and preservation. It is therefore declared the policy of the State to ensure the protection and preservation of Mt. Malindang, the communities, their culture and way of life therein, in accord with the rhythm and harmony of nature. In so doing, the State shall ensure the protection and conservation of biodiversity, sustainable and participatory development, advance and protect interests of its legitimate inhabitants and honor customary laws.

SEC. 3. Category. – Given the physical, natural features, sociocultural and economic importance that contribute to its valuable role as life support system for the people living within and around Mt. Malindang, the evaluation led to its establishment as a “Natural Park” in accordance with Sections 3(b) and 4(h) of Republic Act No. 7586, otherwise known as the “National Integrated Protected Areas System (NIPAS) Act.”

SEC. 4. Scope. – Mt. Malindang Natural Park Protected Area shall cover parcels of land located in the Cities of Oroquieta, Ozamiz and Tangub and the Municipalities of Concepcion, Sapang Dalaga, Calamba, Aloran, Panaon, Jimenez, Sinacaban, Tudela, Clarin, Bonifacio, Don Victoriano, and Lopez Jaena, all within the Province of Misamis Occidental. It shall have the following boundaries:

Beginning at a point marked “1” on DENR NIPAS Map No. 7 at N 4° 52’ 8”, 13,316.43 meters more or less, from BLLM No. 35 at 8° 02’ 19” latitude, Barangay Tiaman, Municipality of Bonifacio, Misamis Occidental;

thence N 48° 37’ 53” E	420.73 meters to point 2
thence S 80° 2’ 58” W	916.54 meters to point 3
thence N 5° 20’ 53” W	3921.45 meters to point 4
thence N 8° 51’ 30” W	589.72 meters to point 5
thence N 60° 47’ 47” E	345.48 meters to point 6
thence N 20° 49’ 35” W	621.95 meters to point 7
thence S 87° 50’ 53” E	537.63 meters to point 8
thence N 15° 9’ 20” E	898.63 meters to point 9

thence N 46° 40' 39" E	929.98 meters to point 10
thence N 14° 44' 32" E	538.86 meters to point 11
thence S 82° 10' 29" W	575.17 meters to point 12
thence N 80° 39' 5" W	134.66 meters to point 13
thence N 4° 9' 39" W	745.09 meters to point 14
thence N 80° 58' 15" E	398.25 meters to point 15
thence N 5° 28' 23" W	1978.33 meters to point 16
thence N 28° 35' 42" W	463.19 meters to point 17
thence N 20° 15' 59" W	609.15 meters to point 18
thence N 70° 10' 16" W	71.49 meters to point 19
thence N 14° 47' 28" E	399.29 meters to point 20
thence N 7° 1' 39" W	486.84 meters to point 21
thence S 83° 43' 26" W	635.75 meters to point 22
thence N 75° 19' 53" W	556.32 meters to point 23
thence N 53° 54' 19" E	582.97 meters to point 24
thence N 89° 28' 14" E	859.04 meters to point 25
thence N 38° 13' 58" W	2143.06 meters to point 26
thence N 82° 53' 32" E	1908.79 meters to point 27
thence N 12° 0' 9" E	549.70 meters to point 28
thence N 89° 3' 43" E	1042.33 meters to point 29
thence N 0° 2' 23" W	994.13 meters to point 30
thence N 15° 28' 28" W	944.03 meters to point 31
thence N 84° 50' 47" W	1065.93 meters to point 32
thence S 85° 41' 10" W	1005.35 meters to point 33
thence N 19° 24' 54" W	411.39 meters to point 34
thence N 21° 32' 19" W	726.08 meters to point 35
thence N 59° 55' 17" W	666.79 meters to point 36
thence N 48° 30' 21" E	533.36 meters to point 37
thence N 53° 4' 43" W	817.66 meters to point 38
thence N 8° 22' 30" W	996.82 meters to point 39
thence N 78° 24' 1" E	249.60 meters to point 40
thence N 35° 44' 2" E	1137.37 meters to point 41
thence N 65° 37' 41" W	657.33 meters to point 42
thence N 7° 9' 12" E	453.72 meters to point 43

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thence N 23° 8' 52" E	871.27 meters to point 44
thence N 12° 13' 55" W	1273.79 meters to point 45
thence N 40° 41' 15" E	1244.19 meters to point 46
thence N 47° 7' 44" E	397.31 meters to point 47
thence N 55° 19' 23" E	932.97 meters to point 48
thence N 40° 19' 16" E	541.77 meters to point 49
thence N 81° 49' 40" E	1132.18 meters to point 50
thence S 52° 27' 36" E	581.39 meters to point 51
thence N 24° 3' 34" E	1708.90 meters to point 52
thence N 37° 15' 10" E	645.51 meters to point 53
thence S 42° 3' 16" E	1149.77 meters to point 54
thence N 42° 11' 12" E	1161.50 meters to point 55
thence N 28° 14' 2" E	2089.40 meters to point 56
thence S 26° 51' 18" E	132.54 meters to point 57
thence S 2° 52' 55" W	274.72 meters to point 58
thence S 4° 52' 51" E	210.83 meters to point 59
thence S 1° 6' 25" W	559.73 meters to point 60
thence S 6° 26' 59" E	296.00 meters to point 61
thence S 17° 51' 5" W	733.57 meters to point 62
thence S 7° 12' 16" E	509.33 meters to point 63
thence S 42° 16' 59" E	186.44 meters to point 64
thence S 2° 6' 51" W	523.54 meters to point 65
thence S 86° 21' 8" E	406.70 meters to point 66
thence N 65° 6' 44" E	211.04 meters to point 67
thence N 51° 43' 48" E	406.16 meters to point 68
thence S 71° 15' 28" E	965.97 meters to point 69
thence N 13° 13' 14" E	506.94 meters to point 70
thence S 86° 50' 34" E	351.78 meters to point 71
thence S 6° 56' 15" E	2109.63 meters to point 72
thence N 83° 41' 39" E	1217.18 meters to point 73
thence S 36° 0' 5" W	305.16 meters to point 74
thence S 12° 23' 51" E	1195.31 meters to point 75
thence N 45° 19' 25" E	445.88 meters to point 76
thence N 45° 37' 8" E	1010.65 meters to point 77

thence N 75° 21' 58" E	687.49 meters to point 78
thence S 69° 36' 21" E	1718.00 meters to point 79
thence S 78° 24' 36" W	777.73 meters to point 80
thence S 40° 34' 28" E	318.44 meters to point 81
thence S 30° 27' 39" E	156.33 meters to point 82
thence S 60° 10' 19" W	593.21 meters to point 83
thence S 11° 41' 53" W	1154.73 meters to point 84
thence S 87° 6' 27" E	1693.10 meters to point 85
thence S 38° 11' 5" W	1593.54 meters to point 86
thence S 48° 55' 8" W	507.61 meters to point 87
thence S 50° 58' 13" E	1012.94 meters to point 88
thence S 38° 36' 6" W	442.18 meters to point 89
thence S 61° 59' 4" E	750.86 meters to point 90
thence S 17° 35' 36" W	2361.19 meters to point 91
thence S 33° 34' 20" W	430.50 meters to point 92
thence S 28° 27' 53" E	268.95 meters to point 93
thence N 20° 6' 49" W	758.98 meters to point 94
thence S 16° 0' 5" W	518.07 meters to point 95
thence S 8° 38' 36" W	375.96 meters to point 96
thence S 22° 4' 49" W	966.17 meters to point 97
thence N 88° 39' 31" W	744.95 meters to point 98
thence N 75° 41' 47" W	1276.51 meters to point 99
thence S 41° 55' 50" W	623.95 meters to point 100
thence S 54° 19' 29" E	2239.84 meters to point 101
thence S 60° 31' 18" W	1886.83 meters to point 102
thence S 57° 0' 50" E	1361.39 meters to point 103
thence S 2° 53' 38" W	756.40 meters to point 104
thence S 52° 10' 48" W	954.34 meters to point 105
thence N 83° 16' 34" W	251.42 meters to point 106
thence S 3° 30' 50" W	1201.26 meters to point 107
thence S 79° 53' 58" E	1061.64 meters to point 108
thence S 47° 37' 18" E	1503.38 meters to point 109
thence S 42° 51' 16" W	739.00 meters to point 110
thence S 54° 18' 21" W	737.09 meters to point 111

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thence S 41° 24' 40" E	583.18 meters to point 112
thence S 81° 49' 30" E	959.94 meters to point 113
thence S 5° 59' 32" W	1837.41 meters to point 114
thence S 69° 47' 12" W	745.81 meters to point 115
thence S 2° 28' 56" E	888.96 meters to point 116
thence S 77° 49' 57" E	322.62 meters to point 117
thence S 15° 56' 56" E	554.08 meters to point 118
thence S 77° 41' 33" E	216.09 meters to point 119
thence S 28° 52' 16" E	309.11 meters to point 120
thence S 49° 11' 41" W	201.80 meters to point 121
thence S 29° 13' 39" W	291.84 meters to point 122
thence N 77° 32' 55" W	361.76 meters to point 123
thence S 22° 40' 8" W	184.71 meters to point 124
thence S 57° 14' 22" E	332.29 meters to point 125
thence S 20° 20' 27" W	1088.17 meters to point 126
thence N 86° 24' 59" W	395.96 meters to point 127
thence S 25° 1' 28" W	146.57 meters to point 128
thence S 56° 42' 43" E	528.61 meters to point 129
thence S 52° 15' 2" E	574.97 meters to point 130
thence S 68° 19' 19" W	129.27 meters to point 131
thence S 46° 14' 30" W	216.16 meters to point 132
thence N 89° 17' 59" W	317.02 meters to point 133
thence S 19° 34' 18" W	492.19 meters to point 134
thence S 85° 50' 10" W	202.28 meters to point 135
thence S 24° 50' 0" W	1669.57 meters to point 136
thence N 63° 50' 23" W	360.07 meters to point 137
thence S 46° 21' 29" W	484.86 meters to point 138
thence S 36° 5' 19" W	756.32 meters to point 139
thence N 44° 10' 39" W	163.14 meters to point 140
thence S 8° 15' 8" E	290.44 meters to point 141
thence N 63° 40' 17" W	345.53 meters to point 142
thence N 67° 49' 58" W	741.43 meters to point 143
thence N 76° 19' 35" W	237.16 meters to point 144
thence S 77° 28' 13" W	924.77 meters to point 145

thence S 2° 19' 57" W	310.00 meters to point 146
thence N 60° 29' 32" W	817.19 meters to point 147
thence S 44° 57' 9" W	320.76 meters to point 148
thence N 76° 8' 11" W	568.37 meters to point 149
thence N 62° 39' 1" W	900.05 meters to point 150
thence S 86° 23' 5" W	252.75 meters to point 151
thence S 33° 45' 20" W	303.47 meters to point 152
thence S 65° 20' 52" W	782.17 meters to point 153
thence N 14° 35' 53" W	905.87 meters to point 154
thence S 71° 15' 22" W	304.39 meters to point 155
thence N 59° 52' 54" W	593.50 meters to point 156
thence N 85° 8' 22" W	462.48 meters to point 157
thence N 10° 46' 23" E	1387.64 meters to point 158
thence N 45° 4' 42" E	194.45 meters to point 159
thence N 11° 25' 8" W	470.37 meters to point 160
thence N 11° 29' 47" E	561.45 meters to point 161
thence N 74° 11' 57" W	1337.47 meters to point 1

containing an aggregate area of 34,694 hectares, more or less.

The Buffer Zone of Mt. Malindang Natural Park shall have the following technical description:

Parcel 1

thence N 67° 49' 58" E	180.86 meters to point 2*
thence N 76° 19' 35" E	237.16 meters to point 3*
thence S 77° 28' 13" E	56.02 meters to point 4*
thence S 69° 58' 25" E	20.62 meters to point 5
thence S 60° 50' 1" E	139.79 meters to point 6
thence S 66° 48' 38" E	152.85 meters to point 7
thence S 86° 32' 26" E	99.43 meters to point 8
thence N 71° 59' 31" E	74.20 meters to point 9
thence N 7° 33' 40" W	6.18 meters to point 1

Parcel 2

thence N 14° 35' 53" W	383.50 meters to point
thence S 71° 15' 22" W	304.40 meters to point 3*

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thence N 59° 53' 54" W	227.74 meters to point 4*
thence S 43° 52' 41" E	15.78 meters to point 5
thence S 52° 38' 46" E	152.46 meters to point 6
thence S 50° 58' 21" E	155.04 meters to point 7
thence S 46° 18' 4" E	136.24 meters to point 8
thence S 46° 2' 5" E	159.08 meters to point 9
thence S 87° 36' 2" E	65.68 meters to point 10
thence N 67° 18' 36" E	54.60 meters to point 1

Parcel 3

thence S 20° 20' 27" W	570.05 meters to point 2*
thence N 86° 24' 59" W	395.96 meters to point 3*
thence S 25° 1' 28" W	146.57 meters to point 4*
thence S 56° 42' 43" E	528.61 meters to point 5*
thence S 52° 15' 2" E	574.97 meters to point 6*
thence S 68° 19' 19" E	129.27 meters to point 7*
thence S 46° 14' 31" W	216.16 meters to point 8*
thence N 89° 17' 59" W	317.02 meters to point 9*
thence S 19° 34' 18" W	492.19 meters to point 10*
thence S 85° 50' 10" W	202.28 meters to point 11*
thence S 24° 50' 0" W	1669.57 meters to point 12*
thence N 63° 50' 23" W	360.57 meters to point 13*
thence S 46° 21' 29" W	484.86 meters to point 14*
thence S 36° 5' 19" W	262.06 meters to point 15*
thence N 72° 59' 56" E	1120.92 meters to point 16
thence N 53° 8' 10" E	485.59 meters to point 17
thence N 83° 39' 27" E	684.00 meters to point 18
thence N 23° 57' 39" E	425.07 meters to point 19
thence N 49° 32' 11" W	964.42 meters to point 20
thence N 47° 1' 49" E	1076.5 meters to point 21
thence N 84° 47' 50" W	119.24 meters to point 22
thence N 47° 17' 21" W	381.74 meters to point 23
thence N 70° 20' 50" W	641.69 meters to point 24
thence N 14° 20' 53" W	487.94 meters to point 25

thence N 50° 3' 40" W	605.17 meters to point 26
thence Due West	345.31 meters to point 27
thence N 67° 18' 47" W	208.56 meters to point 1

Parcel 4

thence S 17° 35' 36" W	747.61 meters to point 2*
thence S 33° 34' 20" W	430.50 meters to point 3*
thence S 28° 27' 53" W	268.95 meters to point 4*
thence S 20° 6' 49" W	758.98 meters to point 5*
thence S 16° 0' 5" W	518.07 meters to point 6*
thence S 8° 38' 36" W	375.96 meters to point 7*
thence S 22° 4' 49" W	966.17 meters to point 8*
thence N 88° 39' 31" W	744.95 meters to point 9*
thence N 75° 41' 47" W	1276.51 meters to point 10*
thence S 41° 55' 50" W	623.95 meters to point 11*
thence S 54° 19' 29" E	2239.84 meters to point 12*
thence S 60° 31' 18" W	1886.83 meters to point 13*
thence S 57° 0' 50" E	1361.39 meters to point 14*
thence S 2° 53' 38" W	756.40 meters to point 15*
thence S 52° 10' 48" W	954.34 meters to point 16*
thence N 83° 16' 34" W	251.42 meters to point 17*
thence S 3° 30' 50" W	1201.26 meters to point 18*
thence S 79° 53' 58" E	1061.64 meters to point 19*
thence S 47° 37' 18" E	1503.38 meters to point 20*
thence S 42° 51' 16" W	739.00 meters to point 21*
thence S 54° 18' 21" W	737.09 meters to point 22*
thence S 41° 24' 41" E	583.18 meters to point 23*
thence S 81° 49' 30" E	959.94 meters to point 24*
thence S 5° 59' 32" W	675.41 meters to point 25*
thence N 70° 19' 50" E	950.33 meters to point 26
thence N 87° 17' 0" E	188.59 meters to point 27
thence Due North	188.31 meters to point 28
thence N 17° 53' 19" W	292.19 meters to point 29
thence N 59° 43' 51" W	124.61 meters to point 30

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thence S 88° 19' 16" W	305.07 meters to point 31
thence N 25° 12' 20" W	168.48 meters to point 32
thence N 22° 6' 0" E	309.83 meters to point 33
thence N 71° 52' 53" E	519.12 meters to point 34
thence S 84° 10' 27" E	883.56 meters to point 35
thence N 51° 4' 31" E	299.82 meters to point 36
thence N 84° 26' 42" E	648.86 meters to point 37
thence N 63° 25' 53" E	441.29 meters to point 38
thence N 13° 6' 55" E	948.62 meters to point 39
thence N 61° 33' 2" E	244.81 meters to point 40
thence S 88° 9' 51" E	1121.83 meters to point 41
thence N 71° 32' 60" E	226.91 meters to point 42
thence N 10° 18' 28" E	100.24 meters to point 43
thence N 61° 48' 12" W	578.17 meters to point 44
thence N 80° 32' 12" W	597.57 meters to point 45
thence N 61° 1' 37" W	1806.89 meters to point 46
thence N 20° 9' 32" W	751.54 meters to point 47
thence N 45° 0' 0" W	391.56 meters to point 48
thence N 84° 8' 56" W	350.07 meters to point 49
thence N 23° 20' 53" W	1147.60 meters to point 50
thence N 80° 47' 44" W	305.94 meters to point 51
thence N 32° 53' 5" W	165.3 meters to point 52
thence N 15° 25' 10" E	491.05 meters to point 53
thence N 38° 19' 32" W	1092.42 meters to point 54
thence N 87° 3' 59" W	318.73 meters to point 55
thence N 51° 22' 16" W	52.25 meters to point 56
thence N 35° 4' 56" E	194.76 meters to point 57
thence N 66° 2' 23" E	312.42 meters to point 58
thence N 89° 0' 41" E	920.01 meters to point 59
thence N 50° 41' 42" E	112.68 meters to point 60
thence Due North	190.31 meters to point 61
thence N 29° 2' 15" W	81.64 meters to point 62
thence N 41° 40' 23" E	2898.28 meters to point 63
thence N 6° 55' 59" E	1671.85 meters to point 64

thence N 43° 27' 14" W	191.65 meters to point 65
thence N 88° 45' 23" W	673.85 meters to point 66
thence N 54° 16' 11" W	514.15 meters to point 67
thence N 67° 37' 32" W	134.64 meters to point 68
thence N 72° 46' 31" W	892.79 meters to point 1

Parcel 5

thence S 48° 59' 34" W	205.65 meters to point 2*
thence S 50° 58' 13" E	1012.95 meters to point 3*
thence S 38° 36' 6" W	442.18 meters to point 4*
thence S 61° 59' 4" E	750.86 meters to point 5*
thence S 17° 35' 36" W	1073.46 meters to point 6*
thence S 77° 56' 40" E	114.91 meters to point 7
thence N 55° 17' 58" E	84.54 meters to point 8
thence N 5° 7' 3" E	510.10 meters to point 9
thence N 52° 41' 56" E	141.19 meters to point 10
thence N 62° 8' 45" E	160.26 meters to point 11
thence N 4° 2' 2" E	152.82 meters to point 12
thence N 45° 0' 0" W	75.66 meters to point 13
thence N 2° 48' 48" E	150.37 meters to point 14
thence N 31° 21' 21" E	147.62 meters to point 15
thence N 46° 50' 12" E	442.65 meters to point 16
thence N 20° 18' 24" W	105.89 meters to point 17
thence N 39° 27' 37" W	131.38 meters to point 18
thence N 52° 39' 35" W	791.78 meters to point 19
thence N 63° 25' 6" W	193.45 meters to point 20
thence N 75° 37' 0" W	643.25 meters to point 21
thence N 3° 40' 56" E	89.53 meters to point 1

Parcel 6

thence S 78° 24' 37" W	507.59 meters to point 2*
thence S 40° 34' 28" E	318.44 meters to point 3*
thence S 30° 27' 39" E	156.33 meters to point 4*
thence S 60° 10' 19" W	593.21 meters to point 5*

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thence S 11°41' 53" W	1154.73 meters to point 6*
thence S 87° 6' 27" E	1693.10 meters to point 7*
thence S 38° 11' 5" W	1238.13 meters to point 8*
thence N 56°51' 30" E	391.20 meters to point 9
thence N 40°32' 2" E	542.01 meters to point 10
thence S 79°36' 36" E	364.22 meters to point 11
thence N 80° 8' 11" E	139.37 meters to point 12
thence N 49° 42' 10" E	360.07 meters to point 13
thence S 89°24' 45" E	585.09 meters to point 14
thence S 7°35' 32" E	90.36 meters to point 15
thence S 57° 5' 42" W	241.72 meters to point 16
thence S 17° 5' 46" E	81.21 meters to point 17
thence N 81° 25' 5" E	639.98 meters to point 18
thence N 71°36' 33" E	1108.41 meters to point 19
thence S 47°34' 42" E	866.46 meters to point 20
thence S 87°56' 49" E	118.64 meters to point 21
thence S 52° 18' 32" E	117.76 meters to point 22
thence N 77° 51' 17" E	281.62 meters to point 23
thence N 77°11' 48" E	548.83 meters to point 24
thence N 55°33' 40" E	1156.44 meters to point 25
thence N 86°19' 33" E	120.94 meters to point 26
thence N 35°49' 13" E	552.12 meters to point 27
thence N 55° 17' 39" W	61.58 meters to point 28
thence S 57° 4' 9" W	408.14 meters to point 29
thence N 88°50' 53" W	385.45 meters to point 30
thence N 74°27' 30" W	298.35 meters to point 31
thence S 58° 17' 25" W	1695.99 meters to point 32
thence S 69° 31' 41" W	299.14 meters to point 33
thence S 85°19' 43" W	228.7 meters to point 34
thence N 9°51' 37" E	87.23 meters to point 35
thence N 52° 5' 40" E	1155.46 meters to point 36
thence N 87°52' 17" E	302.9 meters to point 37
thence N 71° 11' 56" E	370.98 meters to point 38

thence N 44° 59' 59" E	163.78 meters to point 39
thence N 14° 33' 12" E	104.22 meters to point 40
thence N 17° 40' 26" W	86.26 meters to point 41
thence N 68° 37' 51" W	92.28 meters to point 42
thence S 59° 1' 54" W	130.69 meters to point 43
thence S 78° 41' 11" W	381.03 meters to point 44
thence N 73° 43' 21" W	93.43 meters to point 45
thence S 72° 24' 38" W	321.4 meters to point 46
thence N 75° 58' 1" W	277.34 meters to point 47
thence S 54° 10' 41" W	446.91 meters to point 48
thence N 87° 16' 15" W	118.13 meters to point 49
thence N 39° 12' 52" W	201.67 meters to point 50
thence N 78° 18' 12" W	121.78 meters to point 51
thence S 49° 45' 58" W	1260.62 meters to point 52
thence S 72° 14' 10" W	107.96 meters to point 53
thence S 88° 16' 43" W	547.18 meters to point 54
thence N 69° 37' 57" W	153.54 meters to point 55
thence N 4° 3' 56" E	115.48 meters to point 56
thence N 61° 38' 22" E	761.81 meters to point 57
thence N 7° 44' 8" E	672.37 meters to point 58
thence N 53° 53' 35" W	403.66 meters to point 59
thence Due West	263.56 meters to point 60
thence S 64° 58' 48" W	346.24 meters to point 61
thence N 80° 12' 27" W	123.11 meters to point 62
thence S 55° 41' 7" W	845.92 meters to point 63
thence N 86° 41' 28" W	149.44 meters to point 64
thence N 59° 9' 29" W	186.64 meters to point 65
thence N 39° 49' 53" W	426.8 meters to point 66

Parcel 7

thence N 75° 21' 59" E	646.65 meters to point 2*
thence S 69° 36' 21" E	898.86 meters to point 3*
thence N 50° 13' 28" W	244.13 meters to point 4
thence N 73° 11' 17" W	325.86 meters to point 5

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thence N 79° 22' 57" W	196.74 meters to point 6
thence N 74° 6' 9" W	123.21 meters to point 7
thence N 82° 10' 46" W	250.33 meters to point 8
thence S 68° 35' 31" W	270.54 meters to point 9
thence S 55° 58' 47" W	189.35 meters to point 1

Parcel 8

thence N 83° 41' 39" E	642.39 meters to point 2*
thence S 36° 0' 5" W	305.16 meters to point 3*
thence S 12° 23' 51" E	1195.31 meters to point 4*
thence N 45° 19' 26" E	445.88 meters to point 5*
thence N 45° 37' 8" E	340.32 meters to point 6*
thence S 60° 29' 59" W	363.00 meters to point 7
thence S 86° 50' 3" W	157.30 meters to point 8
thence N 36° 18' 30" W	265.25 meters to point 2
thence N 7° 7' 31" W	175.86 meters to point 3
thence N 8° 37' 3" E	145.58 meters to point 4
thence N 45° 48' 33" E	219.05 meters to point 5
thence Due North	187.63 meters to point 6
thence N 41° 25' 34" E	197.80 meters to point 7
thence N 49° 45' 49" E	371.45 meters to point 8
thence N 69° 26' 51" E	111.80 meters to point 9
thence N 85° 45' 9" E	118.14 meters to point 10
thence N 28° 17' 35" E	128.83 meters to point 11
thence N 9° 51' 41" E	101.82 meters to point 12
thence N 47° 28' 43" E	142.04 meters to point 13
thence N 31° 48' 22" E	414.93 meters to point 14
thence N 22° 46' 49" E	839.69 meters to point 15
thence N 44° 59' 59" E	207.98 meters to point 16
thence N 70° 42' 59" E	164.08 meters to point 17
thence N 44° 1' 41" E	323.02 meters to point 18
thence N 15° 14' 36" E	264.82 meters to point 19
thence N 52° 0' 17" E	628.76 meters to point 20
thence N 29° 3' 27" E	239.09 meters to point 21

thence N 6° 39' 53" E	643.54 meters to point 22
thence N 60° 55' 31" W	68.94 meters to point 23
thence S 69° 29' 22" W	993.75 meters to point 24
thence S 55° 37' 14" W	154.18 meters to point 25
thence S 29° 5' 23" W	2107.25 meters to point 26
thence S 39° 8' 15" W	371.23 meters to point 27
thence S 7° 6' 36" W	380.74 meters to point 28
thence S 32° 23' 4" W	206.19 meters to point 29
thence S 53° 58' 1" W	231.09 meters to point 30
thence S 88° 2' 47" W	374.03 meters to point 31
thence S 37° 42' 27" W	578.99 meters to point 1

Parcel 9

thence S 6° 56' 15" E	816.94 meters to point 2*
thence N 83° 41' 39" E	344.89 meters to point 3*
thence N 32° 48' 54" E	445.98 meters to point 4
thence N 1° 50' 47" E	188.16 meters to point 5
thence N 21° 48' 50" E	163.32 meters to point 6
thence N 61° 4' 29" E	263.35 meters to point 7
thence N 45° 35' 20" E	175.86 meters to point 8
thence Due North	109.13 meters to point 2
thence N 47° 54' 31" E	253.43 meters to point 3
thence N 63° 7' 31" E	496.36 meters to point 4
thence N 11° 41' 7" E	179.60 meters to point 5
thence N 5° 26' 16" E	127.95 meters to point 6
thence N 19° 4' 47" E	166.92 meters to point 7
thence N 6° 1' 1" E	347.60 meters to point 8
thence N 62° 48' 1" E	328.02 meters to point 9
thence N 49° 10' 55" E	202.42 meters to point 10
thence N 29° 21' 43" E	639.24 meters to point 11
thence N 41° 22' 21" E	389.78 meters to point 12
thence N 59° 2' 11" E	365.53 meters to point 13
thence N 79° 18' 59" E	375.57 meters to point 14
thence N 45° 0' 0" E	118.18 meters to point 15

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thence N 23° 58' 23" E	137.21 meters to point 16
thence N 47° 54' 31" E	290.91 meters to point 17
thence N 20° 33' 59" E	119.02 meters to point 18
thence N 2° 4' 29" E	383.25 meters to point 19
thence N 36° 23' 10" E	164.36 meters to point 20
thence N 7° 8' 28" E	168.43 meters to point 21
thence N 63° 24' 52" W	77.93 meters to point 22
thence S 66° 21' 38" W	121.58 meters to point 23
thence S 45° 25' 13" W	674.69 meters to point 24
thence S 66° 29' 22" W	174.69 meters to point 25
thence S 78° 10' 33" W	305.93 meters to point 26
thence S 46° 7' 27" W	502.36 meters to point 27
thence S 24° 54' 41" W	215.00 meters to point 28
thence S 41° 41' 42" W	459.24 meters to point 29
thence S 0° 32' 0" W	745.23 meters to point 30
thence S 81° 52' 25" W	393.96 meters to point 31
thence N 86° 41' 14" W	481.3 meters to point 32
thence S 73° 35' 55" W	325.82 meters to point 33
thence S 48° 21' 30" W	187.84 meters to point 34
thence S 34° 44' 35" W	392.40 meters to point 35
thence S 17° 30' 30" W	812.52 meters to point 36
thence S 22° 2' 13" W	471.24 meters to point 37
thence S 76° 23' 3" W	247.97 meters to point 1

Parcel 10

thence S 86° 50' 34" E	266.78 meters to point 2*
thence S 6° 56' 15" E	866.18 meters to point 3*
thence N 70° 17' 38" E	156.81 meters to point 4
thence N 51° 35' 3" W	316.44 meters to point 5
thence N 13° 34' 24" W	255.13 meters to point 6
thence N 14° 23' 4" E	172.08 meters to point 7
thence N 30° 58' 27" E	174.51 meters to point 8
thence N 6° 12' 8" E	197.85 meters to point 2
thence N 73° 1' 18" E	160.95 meters to point 3

thence N 51° 19' 43" E	191.64 meters to point 4
thence N 40° 1' 21" E	139.56 meters to point 5
thence N 28° 37' 7" E	321.39 meters to point 6
thence N 50° 43' 8" E	121.52 meters to point 7
thence N 88° 9' 46" E	132.57 meters to point 8
thence S 71° 48' 48" E	314.99 meters to point 9
thence N 88° 53' 1" E	218.10 meters to point 10
thence N 56° 46' 55" E	180.94 meters to point 11
thence N 35° 16' 33" E	430.94 meters to point 12
thence N 26° 33' 27" E	211.09 meters to point 13
thence N 7° 35' 41" E	194.83 meters to point 14
thence Due North	201.69 meters to point 15
thence N 6° 50' 43" W	216.04 meters to point 16
thence N 17° 11' 11" W	188.67 meters to point 17
thence N 30° 28' 0" W	169.24 meters to point 18
thence Due West	103.00 meters to point 19
thence S 36° 53' 12" W	85.8 meters to point 20
thence S 25° 34' 4" W	994.17 meters to point 21
thence S 87° 52' 6" W	115.96 meters to point 22
thence S 66° 40' 9" W	238.30 meters to point 23
thence S 82° 54' 34" W	103.79 meters to point 24
thence S 53° 21' 26" W	113.41 meters to point 25
thence S 33° 42' 14" W	143.50 meters to point 26
thence S 29° 44' 23" W	262.44 meters to point 27
thence S 44° 7' 56" W	166.32 meters to point 28
thence S 61° 2' 38" W	194.29 meters to point 29
thence S 75° 57' 49" W	134.26 meters to point 30
thence S 51° 32' 36" W	157.07 meters to point 31
thence S 44° 26' 14" W	521.87 meters to point 32
thence S 30° 28' 46" W	262.46 meters to point 1

Parcel 11

thence S 71° 15' 29" E	316.05 meters to point 2*
thence N 13° 13' 14" E	382.41 meters to point 3*

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thence S 41° 54' 20" W 279.98 meters to point 4
thence S 72° 40' 6" W 209.38 meters to point 1

Parcel 12

thence S 86° 21' 8" E 85.92 meters to point 2*
thence N 65° 6' 44" E 211.04 meters to point 3*
thence N 51° 43' 48" E 406.16 meters to point 4*
thence S 71° 15' 29" E 451.09 meters to point 5*
thence N 45° 21' 30" W 529.94 meters to point 6
thence N 26° 11' 7" W 215.14 meters to point 7
thence N 0° 45' 34" W 240.52 meters to point 8
thence N 22° 31' 32" W 140.47 meters to point 9
thence S 88° 18' 10" W 107.61 meters to point 10
thence S 37° 58' 0" W 164.58 meters to point 11
thence S 28° 16' 38" W 474.29 meters to point 12
thence S 6° 1' 32" W 578.13 meters to point 1

Parcel 13

thence N 28° 14' 2" E 847.64 meters to point 2*
thence S 26° 51' 18" E 28.43 meters to point 3*
thence N 8° 29' 19" E 976.38 meters to point 4
thence S 79° 11' 32" W 528.63 meters to point 5
thence S 6° 20' 54" E 341.97 meters to point 6
thence S 2° 30' 11" W 1081.97 meters to point 7
thence S 9° 57' 20" W 169.55 meters to point 1

Parcel 14

thence S 42° 3' 16" E 687.14 meters to point 2*
thence N 42° 11' 12" E 1161.50 meters to point 3*
thence N 28° 14' 2" E 395.08 meters to point 4*
thence S 85° 4' 50" W 246.35 meters to point 5
thence S 61° 19' 48" W 739.69 meters to point 6
thence S 53° 23' 50" W 147.38 meters to point 7
thence S 74° 10' 17" W 210.81 meters to point 8
thence N 50° 2' 59" E 276.14 meters to point 1

Parcel 15

thence S 80° 2' 58" W	916.54 meters to point 2*
thence N 5° 20' 53" W	3921.45 meters to point 3*
thence N 8° 51' 30" W	589.72 meters to point 4*
thence N 60° 47' 47" E	345.48 meters to point 5*
thence N 20° 49' 35" W	621.95 meters to point 6*
thence S 87° 50' 53" E	537.63 meters to point 7*
thence N 15° 9' 20" E	898.63 meters to point 8*
thence N 46° 40' 39" E	929.98 meters to point 9*
thence N 14° 44' 32" E	538.86 meters to point 10*
thence S 82° 10' 29" W	575.17 meters to point 11*
thence N 80° 39' 5" W	134.66 meters to point 12*
thence N 4° 9' 39" W	745.09 meters to point 13*
thence N 80° 58' 15" E	398.25 meters to point 14*
thence N 5° 28' 23" W	1978.33 meters to point 15*
thence N 28° 35' 42" W	463.19 meters to point 16*
thence N 20° 15' 59" W	609.15 meters to point 17*
thence N 70° 10' 16" W	71.49 meters to point 18*
thence N 14° 47' 28" E	399.29 meters to point 19*
thence N 7° 1' 39" W	486.84 meters to point 20*
thence S 83° 43' 26" W	635.75 meters to point 21*
thence N 75° 19' 53" W	556.32 meters to point 22*
thence N 53° 54' 19" E	582.97 meters to point 23*
thence N 89° 28' 14" E	859.04 meters to point 24*
thence N 38° 13' 58" W	2143.06 meters to point 25*
thence N 82° 53' 32" E	1908.79 meters to point 26*
thence N 12° 0' 9" E	549.70 meters to point 27*
thence N 89° 3' 43" E	1042.33 meters to point 28*
thence N 0° 2' 23" W	994.13 meters to point 29*
thence N 15° 28' 28" W	944.03 meters to point 30*
thence N 84° 50' 47" W	1065.93 meters to point 31*
thence S 85° 41' 10" W	1005.35 meters to point 32*
thence N 19° 24' 54" W	411.39 meters to point 33*
thence N 21° 32' 19" W	726.08 meters to point 34*

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thence N 59° 55' 17" W	666.79 meters to point 35*
thence N 48° 30' 21" E	533.36 meters to point 36*
thence N 53° 4' 43" W	817.66 meters to point 37*
thence N 8° 22' 30" W	996.82 meters to point 38*
thence N 78° 24' 1" E	249.60 meters to point 39*
thence N 35° 44' 2" E	1137.37 meters to point 40*
thence N 65° 37' 42" W	657.33 meters to point 41*
thence N 7° 9' 12" E	453.72 meters to point 42*
thence N 23° 8' 52" E	871.27 meters to point 43*
thence N 12° 13' 55" W	1273.79 meters to point 44*
thence N 40° 41' 15" E	1244.19 meters to point 45*
thence N 47° 7' 44" E	397.31 meters to point 46*
thence N 55° 19' 23" E	932.97 meters to point 47*
thence N 40° 19' 16" E	541.77 meters to point 48*
thence N 81° 49' 40" E	1132.18 meters to point 49*
thence N 52° 27' 36" E	581.39 meters to point 50*
thence N 24° 3' 34" E	1708.90 meters to point 51*
thence N 37° 15' 10" E	645.51 meters to point 52*
thence S 42° 3' 16" E	213.75 meters to point 53
thence N 59° 18' 45" E	638.40 meters to point 54
thence N 41° 2' 3" E	488.19 meters to point 55
thence N 13° 34' 31" E	203.43 meters to point 56
thence N 49° 24' 50" W	125.75 meters to point 57
thence N 83° 17' 37" W	116.67 meters to point 58
thence S 69° 9' 44" W	153.21 meters to point 59
thence N 30° 45' 46" W	333.34 meters to point 60
thence N 75° 12' 10" W	747.61 meters to point 61
thence N 7° 13' 38" W	1642.93 meters to point 62
thence N 21° 12' 24" E	3359.36 meters to point 63
thence N 1° 19' 47" W	1193.20 meters to point 64
thence N 7° 46' 0" W	616.03 meters to point 65
thence N 56° 20' 24" W	100.02 meters to point 66
thence S 42° 21' 38" W	638.18 meters to point 67
thence S 66° 21' 53" W	242.26 meters to point 68

thence S 16° 42' 44" E	612.04 meters to point 69
thence S 4° 50' 11" W	441.82 meters to point 70
thence S 37° 52' 23" W	632.62 meters to point 71
thence S 2° 39' 50" W	597.08 meters to point 72
thence S 18° 53' 25" W	557.13 meters to point 73
thence S 7° 7' 40" E	335.47 meters to point 74
thence S 41° 58' 22" W	186.63 meters to point 75
thence N 56° 58' 13" W	330.92 meters to point 76
thence N 2° 51' 48" W	555.51 meters to point 77
thence N 81° 51' 53" W	98.05 meters to point 78
thence S 31° 45' 22" W	342.60 meters to point 79
thence N 41° 38' 1" W	167.08 meters to point 80
thence N 4° 30' 47" E	1586.17 meters to point 81
thence N 80° 20' 19" E	144.87 meters to point 82
thence N 2° 36' 24" E	83.84 meters to point 83
thence N 24° 12' 22" W	83.53 meters to point 84
thence N 42° 17' 12" W	169.90 meters to point 85
thence N 23° 9' 19" E	629.73 meters to point 86
thence N 24° 38' 17" W	100.60 meters to point 87
thence N 77° 43' 21" W	179.29 meters to point 88
thence S 63° 26' 5" W	187.41 meters to point 89
thence S 7° 3' 16" W	403.05 meters to point 90
thence S 73° 13' 7" W	250.68 meters to point 91
thence S 18° 27' 3" E	72.28 meters to point 92
thence S 62° 24' 7" E	189.15 meters to point 93
thence S 3° 22' 13" E	64.86 meters to point 94
thence S 77° 20' 32" W	538.78 meters to point 95
thence S 49° 5' 8" W	240.67 meters to point 96
thence S 12° 58' 57" W	1725.99 meters to point 97
thence S 49° 58' 12" W	259.64 meters to point 98
thence S 25° 40' 30" E	458.87 meters to point 99
thence S 45° 0' 54" W	168.69 meters to point 100
thence S 88° 3' 44" W	469.46 meters to point 101
thence S 40° 34' 27" W	73.32 meters to point 102

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thence S 14° 2' 34" W	131.11 meters to point 103
thence Due South	175.00 meters to point 104
thence S 50° 43' 18" W	113.04 meters to point 105
thence N 47° 16' 37" W	3471.59 meters to point 106
thence N 65° 33' 46" W	216.04 meters to point 107
thence S 51° 0' 25" W	241.57 meters to point 108
thence N 63° 25' 60" W	919.53 meters to point 109
thence N 74° 16' 29" W	956.55 meters to point 110
thence S 65° 13' 29" W	127.97 meters to point 111
thence S 0° 40' 26" E	759.93 meters to point 112
thence S 89° 23' 26" E	840.36 meters to point 113
thence S 68° 29' 32" E	317.08 meters to point 114
thence N 29° 44' 49" E	648.59 meters to point 115
thence S 68° 29' 32" W	317.08 meters to point 116
thence S 9° 45' 10" E	2175.95 meters to point 117
thence S 6° 5' 43" W	1011.21 meters to point 118
thence S 84° 40' 10" E	735.31 meters to point 119
thence N 13° 44' 5" W	452.24 meters to point 120
thence N 25° 27' 53" E	454.12 meters to point 121
thence N 48° 53' 59" E	608.86 meters to point 122
thence S 81° 51' 20" E	138.08 meters to point 123
thence S 34° 18' 52" E	744.59 meters to point 124
thence S 72° 38' 40" E	163.64 meters to point 125
thence N 73° 17' 13" E	101.93 meters to point 126
thence N 13° 37' 58" E	331.46 meters to point 127
thence N 62° 14' 7" E	209.57 meters to point 128
thence N 33° 50' 20" W	1034.26 meters to point 129
thence Due North	165.94 meters to point 130
thence N 70° 48' 44" E	237.71 meters to point 131
thence N 15° 16' 9" E	222.61 meters to point 132
thence N 88° 52' 41" E	497.91 meters to point 133
thence S 39° 8' 12" E	2567.55 meters to point 134
thence S 80° 37' 15" W	1137.90 meters to point 135
thence S 4° 5' 9" E	1370.17 meters to point 136

thence S 67° 4' 52" W	1579.23 meters to point 137
thence N 77° 42' 21" W	779.31 meters to point 138
thence S 84° 8' 48" W	765.43 meters to point 139
thence N 59° 28' 16" W	441.95 meters to point 140
thence N 86° 49' 29" W	176.02 meters to point 141
thence S 51° 18' 56" W	499.78 meters to point 142
thence S 0° 26' 30" W	1070.28 meters to point 143
thence S 34° 4' 33" E	411.84 meters to point 144
thence S 60° 27' 42" E	345.97 meters to point 145
thence S 89° 30' 17" E	1163.92 meters to point 146
thence N 51° 8' 55" E	463.79 meters to point 147
thence S 83° 17' 29" E	343.48 meters to point 148
thence S 36° 52' 5" E	351.16 meters to point 149
thence Due East	551.81 meters to point 150
thence S 3° 56' 41" E	291.63 meters to point 151
thence S 49° 55' 5" W	2399.70 meters to point 152
thence S 81° 24' 52" W	1328.83 meters to point 153
thence S 0° 1' 14" W	12179.44 meters to point 154
thence S 72° 35' 30" E	347.41 meters to point 155
thence N 59° 35' 23" E	861.09 meters to point 156
thence S 30° 15' 36" E	224.24 meters to point 157
thence S 8° 23' 35" E	995.46 meters to point 158
thence S 22° 49' 54" W	998.48 meters to point 159
thence S 2° 51' 33" E	323.28 meters to point 160
thence S 36° 52' 28" E	484.32 meters to point 161
thence S 3° 55' 32" E	1650.56 meters to point 162
thence S 46° 28' 1" W	445.36 meters to point 163
thence S 24° 46' 38" E	231.15 meters to point 164
thence S 68° 50' 8" E	536.63 meters to point 165
thence N 84° 48' 40" E	178.29 meters to point 166
thence S 6° 54' 59" E	536.66 meters to point 167
thence N 83° 12' 31" W	682.85 meters to point 168
thence Due South	258.31 meters to point 169
thence S 61° 14' 47" W	969.12 meters to point 170

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thence S 0° 16' 15" E	4100.23 meters to point 171
thence N 80° 21' 45" E	2278.79 meters to point 172
thence S 2° 36' 6" W	933.53 meters to point 173
thence S 28° 42' 11" E	679.57 meters to point 174
thence N 87° 23' 55" E	311.20 meters to point 175
thence S 24° 23' 4" E	977.83 meters to point 176
thence S 48° 41' 28" E	1510.24 meters to point 177
thence N 75° 28' 9" E	319.60 meters to point 178
thence S 56° 18' 36" E	123.94 meters to point 179
thence S 42° 52' 58" W	437.82 meters to point 180
thence S 17° 6' 2" W	467.61 meters to point 181
thence S 56° 19' 19" E	165.23 meters to point 182
thence S 26° 33' 54" W	153.73 meters to point 183
thence S 75° 57' 4" E	330.79 meters to point 184
thence S 31° 13' 51" E	1259.67 meters to point 185
thence N 80° 41' 23" E	278.54 meters to point 186
thence N 10° 46' 23" W	1300.21 meters to point 187*
thence N 45° 4' 42" E	194.45 meters to point 188*
thence N 11° 25' 8" W	470.37 meters to point 189*
thence N 11° 29' 47" E	561.01 meters to point 190*
thence N 74° 11' 57" W	1337.4 meters to point 191*
thence N 48° 37' 53" E	420.73 meters to point 1*

containing an aggregate area of 18,334 hectares, more or less, subject to actual ground survey.

* corners that correspond with the PPA boundary corners.

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

- (a) **Ancestral Domain** – refers to all lands and natural resources occupied or possessed by indigenous cultural communities, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions since time immemorial, continuously to the present except when interrupted by war, *force majeure*, or displacement by force, deceit or stealth. It includes all adjacent areas generally belonging to them and which are necessary to ensure their economic, social and cultural welfare.
- (b) **Indigenous Cultural Communities** – shall refer to tribes, including but not limited to Subanens, who have continuously lived as communities on communally bounded and defined land since time immemorial and have succeeded in preserving, maintaining and sharing common bonds of language, customs, traditions and other distinctive cultural traits.

- (c) *Nonrenewable Resources* – shall refer to those resources found within the protected area, the natural replenishment rate of which is either not known or takes more than 25 years.
- (d) *Protected Species* – any individual species of plants and animals that are or shall be declared as protected under the Philippine laws, rules and regulations issued by the DENR, species listed as protected against trade, hunting and harvest under International Conventions to which the Philippines is or will become signatory including but not limited to the Convention on International Trade of Endangered Species (CITES). In addition to these, they include species, which may be restricted for use under regulations issued by the PAMB or DENR, and those particularly mentioned in the management plan.
- (e) *Non-government Organization (NGO)* – shall refer to any civic, developmental or philanthropic organization which is multi-sectoral in character.
- (f) *People’s Organization (PO)* – shall refer to any grouping of people formed to advance the interests of the sector represented, provided such sector is marginalized, poor or disempowered.
- (g) *Public Consultation* – a meeting or dialogue with the concerned or affected individuals within and outside the protected area designed to identify and resolve issues and problems affecting them.

CHAPTER II

PROTECTED AREA MANAGEMENT

SECTION 6. Management Plan. – The Protected Area Superintendent (PASu) shall prepare the management plan in coordination with the appropriate offices of the DENR, technical experts, local communities and tribal experts who have experience in the particular cultures in the area. The Management Plan shall be reviewed, approved and adopted by the Protected Area Management Board (PAMB) and certified by the Secretary. Such certification is mandatory if the plan conforms to all laws, rules and regulations issued by the DENR of national application. In no case shall the Management Plan be revised or modified without prior consultation with the PAMB.

Within one year from the effectivity of this Act, a Management Plan shall be put into effect following the General Management Planning Strategy provided for under the NIPAS Act and according to the procedure herein set forth. It shall contain, among others, the following:

- (a) Period of applicability of the plan
- (b) Key Management Issues
- (c) Goals and Objectives
- (d) Site Management Strategy
- (e) Major management activities such as, but not limited to enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development, visitor management program, and maintenance, fire and pest control etc.
- (f) Zoning

The PASu shall prepare all successor plans. Two years before the expiration of the period of applicability of the plan in effect, the PASu shall cause publication of notices for comments and suggestions on the next successor plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three other areas frequented by the public. Public hearings may be conducted on the successor plan upon the written request of any interested party. The proposed plan shall be made available to the public during the period for comment

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and a finalized plan shall be made available for public perusal at the Office of the PASu upon approval of the PAMB.

The zoning of the protected area shall give primary consideration to the traditional zones used and recognized by indigenous cultural communities and, whenever applicable, those that have been sustainably used by tenured migrant communities for an applicable length of time unless such uses are deemed detrimental to biodiversity and protection of the natural characteristics of the protected area.

The plan shall be in the language understandable in the area, plainly written and available for perusal to the general public at the PASu office.

SEC. 7. Institutional Mechanisms. – The following administrative and policy-making mechanisms shall apply:

(A) There shall be a Protected Area Management Board which shall be the policy-making body of the protected area, It shall be composed of :

- (1) The Regional Executive Director of the DENR or his authorized representative, who shall act as the Chairman;
- (2) One representative from each municipal or city government with territory inside the protected area or their authorized representatives;
- (3) One representative from each *barangay* with territory inside the protected area or their authorized representatives;
- (4) At least three representatives from local NGOs operating within the MMTNP, chosen among themselves, as members. For POs, it should have one representative from each municipality with territory within MMRNP, chosen from among themselves;
- (5) Other Government Agencies with active role in the management of the protected area;
- (6) The Provincial Planning and Development Officer and the Provincial DILG Officer shall sit as *ex officio* members to be endorsed by the Governor;
- (7) One representative from each indigenous cultural community within the protected area chosen using customary practices.

Every member of the PAMB shall serve for a term of five years, shall be considered to represent and carry the vote of such sector in all matters. In case of members who are government officials, the membership shall be attached to the office held.

(B) The PAMB of Mt. Malindang Natural Park shall have the following powers and functions:

- (1) Issue all rules and regulations to prohibit and regulate acts that may be prejudicial to the protected areas and the policy declaration herein set forth;
- (2) Establish criteria and set fees for the issuance of permits for the activities regulated by this Act or the management plan;
- (3) Adopt rules of procedure for the conduct of business, including the creation of committees to whom its powers may be delegated;
- (4) Approve the management plan and oversee the office of the PASu;
- (5) Recommend to the DENR Secretary or Regional Director interested individuals who will enforce the laws, rules and regulations governing the protected area;

- (6) The Board shall have the power to recommend interested individuals for the enforcement of the laws, rules and regulations governing the protected area to be approved by the DENR Secretary or Regional Director;
- (7) Accept donations, approve proposals for funding, budget allocations and exercise accountability over all funds that may accrue to the Mt. Malindang Natural Park;
- (8) Retain legal counsel, either on a permanent or temporary basis, to defend cases against the PAMB and the PASu staff whenever they are sued in connection with the performance of their duties under this Act; and
- (9) Identify the tenure migrants and recommend the issuance of corresponding appropriate tenurial instruments.

The DENR, through the Regional Director or any duly authorized official, shall exercise authority to oversee the PAMB to ensure that it is acting within the scope of its powers and functions. In case of a conflict between administrative orders issued by the DENR pursuant to the NIPAS Act for national application and the rules and regulations issued by the PAMB, the PAMB shall notify the Secretary of the DENR who shall decide whether to apply the rule or withdraw its application for Mt. Malindang Natural Park.

SEC. 8. *The Protected Area Superintendent Office.* – There shall be a Protected Area Superintendent (PASu) within the Department of Environment and Natural Resources, who shall serve as the chief operating officer of the protected area.

The PASu shall have the following powers and functions:

- (1) Prepare the management and successor plans as here provided;
- (2) Serve as the Secretariat for the PAMB with the duty to provide the PAMB with all the information necessary for it to make appropriate decisions when necessary;
- (3) Hire, dismiss and supervise the necessary personnel to support operation as the budgets made available by the PAMB may allow;
- (4) Establish a productive partnership with local community, including groups interested in the achievement of the goals and objectives of the protected area and in the planning, protected and management thereof;
- (5) Develop and implement park information, education and visitor programs;
- (6) Enforce the laws, rules and regulations relevant to the protected area and assist in the prosecution of offenses;
- (7) Monitor all activities within the protected area for conformity with the management plan;
- (8) Perform such other functions as the PAMB may assign;
- (9) Implement the plans, programs and resolutions stated in the Management Plan or passed and approved by the PAMB.

SEC. 9. *Ancestral Lands and Domains.* – For the purpose of this Act, the following shall govern Ancestral Lands and Domains in the protected area:

- (a) The rights of indigenous peoples to their ancestral domains are hereby fully recognized. Traditional property regimes exercised by indigenous cultural communities in accordance with their customary

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laws shall govern the relationship of all individuals within their communities with respect to all land and resources found within ancestral lands.

(b) *Presumptions* – The following presumptions shall govern, unless proven to be contrary to documented or oral custom by clear and convincing evidence in the proper administrative or judicial proceeding providing hearing to all parties concerned.

(i) All lands occupied by indigenous cultural communities since time immemorial shall be presumed to be ancestral lands. Rights and obligations within ancestral lands are presumed to be governed by customary law.

(ii) Rights and obligations within ancestral lands governed by customary law are presumed to be held collectively by the community.

(iii) Rights and obligations within ancestral lands proven to be held by individuals under customary law are presumed to be held in trust by such individuals for the whole community.

(iv) The continued practice of traditional and sustainable living shall be sufficient consideration for the State in place of the payment of taxes on ancestral domains.

Owing to differences in cultural and social world views, the provisions of this Act shall be liberally construed in favor of indigenous cultural communities and their members.

SEC. 10. *Tenured Migrants and Transient Farmers.* – Tenured migrants are those members of households that have actually and continuously occupied the Mt. Malindang Range Natural Park since June 1, 1987, basing the data from the 1999 Survey and Registration of Protected Area Occupants (SRPAO) and are substantially dependent on the protected area of their livelihood. For purposes of official documentation of rights and extent of occupation within the protected area, the tenured migrant household shall be issued a tenure instrument over such areas as have been occupied or cultivated since June 1, 1987 or earlier. Tenured migrants may occupy and use the area specified in the instrument for a term of 25 years renewable for another 25 years. The holder of the instrument, upon the lapse of this period, may negotiate for a new instrument and his occupancy shall be evaluated by the PAMB for purposes of such renewal.

If despite consideration paid to current practices, areas occupied by tenured migrants are designated as zones in which transfer to multiple-use zones or buffer zones shall be accomplished using humanitarian considerations.

Persons who have been cultivating land within the protected area since June 1, 1987 are considered to be occupying such lands and shall be entitled to a tenure instrument restricted to cultivation: *Provided*, That the rights under such can only be transferred to direct descendants.

Tenured migrant instruments may be cancelled for violation of the terms and conditions specified therein, upon the holders' repeated refusal to comply with management plan or the regulations set by the PAMB or by voluntary surrender of rights. Upon cancellation of a tenured migrant instrument, 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 transient or tenured migrant.

Tenured migrant instruments are transferable only to the nearest of kin: *Provided*, That if the land is idle for a minimum of five years, the PAMB will initiate the control and management of the area.

SEC. 11. *Prohibited Acts.* – The following shall be the prohibitions and penalties applicable to the protected area:

- A. The penalties in Articles 309 and 310 of the Revised Penal Code and/or Section 21 of republic Act No. 7586 depending on the value of the resources taken, damaged or destroyed shall be imposed upon my person who do:
- (i) Hunting, destroying, trapping, disturbing or possessing of any wild plants or animals or products derived therefrom anywhere within Mt. Malindang Range Natural Park without a permit from the PAMB: *Provided*, That such permits shall only be given for scientific purposes necessary for protected area management;
 - (ii) Cutting, gathering, collection or removing timber or forest products without permit: *Provided*, That such permits shall only be given for scientific purposes necessary for the Protected area management;
 - (iii) Entry to the protected area or processing outside the protected area any wild plants and animals or products derived therefrom which came from the protected area without permit issued by PMAB;
 - (iv) Mineral exploration or extraction, drilling or prospecting for minerals within the Mt. Malindang Range Natural Park;
 - (v) Constructing or maintaining any kind of road, structure, fence or enclosure without a permit from the PAMB: *Provided*, That structures within ancestral domains used by indigenous cultural communities need not be under a permit from the PMAB.

Valuation of the damage shall take into account biodiversity and conservation consideration as well as aesthetic and scenic value. Commission of these acts likewise carry the penalty of eviction from the Protected Area and the forfeiture of all transportation, structures and building materials, equipment, devices and weapons used for the commission of the offense as well a the protected area resources caught in the possession of the accused.

The local government unit responsible for the imposition of the penalties herein and the arrest and confiscation of the materials shall have a 50 percent share in the disposition thereof while the rest shall accrue to the PAMB.

SEC. 12. Contracts Over Lands within the Mt. Malindang Natural Park. – The purchase, sale, encumbrance, mortgage, usufruct or lease of lands within the protected area to persons outside the protected area not otherwise qualified to hold lands therein shall be null and void *ab initio*.

SEC. 13. Special Prosecutors. – Within 30 days from the effectivity of this Act, the Department of Justice shall designate a Special Prosecutor to whom all cases of violation on laws, rules and regulations in the PA 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 on wardens and rangers in arrest and criminal procedure. The PAMB may appoint a special private prosecutor on a case basis to assist the public prosecutor in the enforcement of protected area laws.

SEC. 14. Local Government Units. – Local government units shall participate in the management of the Mt. Malindang Natural Park through representation in the PAMB as provided under Section 7A. The LGU retains its ordinance-making powers over the territory covered under this Act but with due consideration to the protected area management objectives. If a conflict between the LGU and the protected area management objectives remain unresolved within the PAMB, it shall be resolved through mediation.

SEC. 15. Integrated Protected Area Fund of the Mt. Malindang Natural Park. – The Integrated Protected Area Fund (IPAF) shall be established as a special trust fund and shall be disbursed solely for the

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protection, maintenance, administration and management of Mt. Malindang Natural Park and the System. At least 75 percent of the funds collected shall form part of Mt. Malindang Natural Park Subfund which shall be solely disbursed for its use. The Mt. Malindang Natural Park Subfund shall likewise be exempted from being deposited in the National Treasury and shall be made readily available for disbursement upon proper approval of Mt. Malindang Natural Park and the PAMB, subject to the usual accounting and auditing rules and regulations.

The following shall constitute part of the Integrated Protected Area Funds and shall be subject to the PAMB acted policy the moment they accrue.

- (1) Proceeds from special land use and resource utilization from commercially used ancestral domain, as may be set by the PAMB;
- (2) Fees derived from permitted collection of wild flora and fauna and other resources within the protected area as may be set by the Department and the PAMB;
- (3) Fees from industries and facilities directly benefiting from the protected area;
- (4) Fines and fees, including protected area entry visitors'/users', as maybe imposed and collected from the operation of the protected area and set by the PAMB;
- (5) Contributions, donations, endowments and grants from any legal source intended for the operation of the protected area.

All donations, contributions, endowments and grants to Mt. Malindang Natural Park shall accrue *in toto* to its protected area subfund.

The local government unit shall continue to impose and collect all other fees not enumerated herein which it has usually collected such as, but not limited to, business permits, property taxes and rentals of local government unit facilities. Furthermore, local government units may charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons shall be determined based on the contribution of the local government unit in the maintenance and protection of the protected area.

SEC. 16. Utilization of Nonrenewable Resources. – Any exploration for, exploitation or utilization of nonrenewable resources within the protected area shall not be allowed. Energy projects, whether renewable or otherwise, shall be permitted only through an Act of Congress.

SEC. 17. Appropriations. – To carry out the implementation of this Act, an annual aggregate amount of Seven Million Six Hundred Sixty Thousand One Hundred Twenty-Two Pesos (7,660,122.00) shall be included in the annual General Appropriations Act and allocated for the use of Mt. Malindang Natural Park.

SEC. 18. Construction. – The provisions of this Act shall be construed liberally in favor of tenured migrants and indigenous cultural communities and with due consideration to the protection of biodiversity. The NIPAS Act shall have supplementary effect in the implementation of this Act.

SEC. 19. Repealing Clause. – For the purposes of the Mt. Malindang Natural Park, all laws, rules and regulations inconsistent herewith are modified accordingly. The prohibitions and penalties under the NIPAS Act are hereby superseded for the entire area covered by this Act.

SEC. 20. Separability Clause. – If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SEC. 21. *Transitory Provision.* – All persons who do not qualify as tenured migrants, transient farmers or not part nor qualify under Section 8 of this Act within the protected area, shall be allowed to harvest fruits or crops planted before the effectivity of this Act. Thereafter, all planted crops of such unqualified persons shall be confiscated and the proceeds thereof shall accrue to the IPAF.

SEC. 22. *Effectivity Clause.* – This Act shall take effect upon its approval.

Approved: July 30, 2004.

REPUBLIC ACT No. 9322
AN ACT RECLASSIFYING A PORTION OF LAND COMPRISING
FIVE HUNDRED TWELVE AND EIGHTY (512.80) HECTARES OF PUBLIC LAND
UNDER TIMBERLAND PROJECT NUMBER 13-G, BLOCK A, AS PER LAND CLASSIFICATION MAP
NUMBER 3400 IN BARANGAY RANSANG, MUNICIPALITY OF RIZAL,
PROVINCE OF PALAWAN AS AGRICULTURAL LAND OPEN FOR DISPOSITION

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

SECTION 1. The portion of the territory of Barangay Ransang in the Municipality of Rizal, Province of Palawan, consisting of 512.80 hectares of land covered by Project Number 13-G, Block A, of Land Classification Map Number 3400 is hereby reclassified as agricultural land open for disposition.

SEC. 2. The Secretary of the Department of Environment and Natural Resources shall issue all the necessary implementing orders, rules, regulations and circulars to implement the provisions of this Act.

SEC. 3. This Act shall take effect upon its approval.

Approved: August 8, 2004.

REPUBLIC ACT No. 9323
AN ACT RECLASSIFYING A PARCEL OF TIMBERLAND LOCATED IN BARANGAY ATABAY,
MUNICIPALITY OF HILONGOS, PROVINCE OF LEYTE, AS ALIENABLE OR DISPOSABLE LAND
FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND OTHER PRODUCTIVE PURPOSES

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

SECTION 1. The parcel of timberland located in Barangay Atabay, Municipality of Hilongos, Province of Leyte, identified under Hilongos Cadastre, CAD. 566-, Case 1, CM 10 22'N 124 44' E Sections 1 and 2 per Land Classification Map No. 2994, Block D, Timberland Leyte Project No. 18, certified on February 22, 1982 per LC Map No. 829 dated September 25, 1929 of the Department of Environment and Natural Resources is hereby declared as alienable or disposable land for residential, commercial, industrial or other productive purposes.

With a total area of 21 hectares and 6,890 square meters, more or less, said parcel of land is more particularly described as follows:

Tie Line: From BLLM No. 1, 566-D, Hilongos, Leyte Cadastre to corner 1 is S. 80-18 W., 448.51 meters.

1 - 2	S. 26 – 16 E.	218.91 m.
2 - 3	S. 50 – 13 W.	177.96 m.
3 - 4	N. 45 – 03 W.	248.07 m.
4 - 5	N. 52 – 50 W.	250.91 m.
5 – 6	N. 57 – 30 W.	306.34 m.
6 – 7	N. 48 – 49 W.	160.18 m.
7 – 8	N. 55 – 20 E.	81.21 m.
8 – 9	N. 80 – 42 E.	157.33 m.
9 – 10	S. 53 – 59 E.	224.66 m.
10 – 11	N. 81 – 50 E.	163.38 m.
11 – 1	N. 42 – 31 E.	339.51 m.

SEC. 2. Within six months following the effectivity of this Act, the Secretary of the Department of Environment and Natural Resources shall promulgate the rules and regulations for the effective implementation of this Act.

SEC. 3. This Act shall take effect 15 days after publication in the Official Gazette or two newspapers of general circulation.

Approved: August 8, 2004.

REPUBLIC ACT No. 9415
AN ACT AMENDING SECTIONS 2 AND 3
OF REPUBLIC ACT No. 2239, AND FOR OTHER PURPOSES

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

SECTION 1. Section 2 of Republic Act. No. 2239 is hereby amended to read as follows:

SEC. 2. This conveyance is made for the purpose of enabling the Foundation to allow the construction on said land a permanent Ramon Magsaysay Award Foundation Building. In a portion of the land not exceeding 2,000 square meters, a condominium building may be constructed within reasonable limits as provided herein.

SEC. 2. Section 3 of Republic Act No. 2239 is hereby amended to read as follows:

SEC. 3. The property or any space in the building to be constructed therein may be leased or sold in accordance with the provisions of the Condominium Law: *Provided*, That any deed of conveyance executed by the Foundation shall include its preemptive right to repurchase the property from the vendee: and *Provided, further*, That the proceeds for such lease or sale shall be utilized for purposes for which the Foundation has been established including, but not limited to, the preservation of values of integrity, respect for human dignity and principled leadership characterized by the late President Ramon Magsaysay, and the propagation of the ideas and programs of the Magsaysay Awardees in service to the peoples of Asia.

Sec. 3. The other pertinent provisions of Republic Act No. 2239, and other laws, rules and regulations which are inconsistent with this amendatory law are hereby repealed or amended accordingly.

Sec. 4. This law shall take effect 15 days following its complete publication in the Official Gazette or two newspapers of general circulation, whichever comes earlier.

Approved: March 25, 2007.

REPUBLIC ACT No. 9443
AN ACT CONFIRMING AND DECLARING, SUBJECT TO CERTAIN EXCEPTIONS, THE VALIDITY
OF EXISTING TRANSFER CERTIFICATES OF TITLE AND RECONSTITUTED CERTIFICATES
OF TITLE COVERING THE BANILAD FRIAR LANDS ESTATE,
SITUATED IN THE FIRST DISTRICT OF THE CITY OF CEBU

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

SECTION 1. All existing Transfer Certificates of Title and Reconstituted Certificates of Title duly issued by the Register of Deeds of Cebu Province and/or Cebu City covering any portion of the Banilad Friar Lands Estate, notwithstanding the lack of signatures and/or approval of the then Secretary of the Interior (later Secretary of Agriculture and Natural Resources) and/or the then Chief of the Bureau of Public Lands (later Director of Public Lands) in the copies of the duly executed Sales Certificates and Assignments of Sales Certificates, as the case may be, now on file with the Community Environment and Natural Resources Office (CENRO), Cebu City, are hereby confirmed and declared as valid titles and the registered owners recognized as absolute owners thereof.

This confirmation and declaration of validity shall in all respects be entitled to like effect and credit as a decree of registration, binding the land and quieting the title thereto and shall be conclusive upon and against all persons, including the national government and all branches thereof; except when, in a given case involving a certificate of title or a reconstituted certificate of title, there is a clear evidence that such certificate of title or reconstituted certificate of title was obtained through fraud, in which case the solicitor general or his duly designated representative shall institute the necessary judicial proceeding to cancel the certificate of title or reconstituted certificate of title as the case may be, obtained through such fraud.

SEC. 2. All laws, decrees, proclamations or issuances contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 3. This Act shall take effect 15 days after its publication in the Official Gazette or in at least two national newspapers of general circulation.

Approved: May 9, 2007.

REPUBLIC ACT No. 9483
AN ACT PROVIDING FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE 1992
INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE
AND THE 1992 INTERNATIONAL CONVENTION ON THE ESTABLISHMENT
OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the “*Oil Pollution Compensation Act of 2007*”.

SEC. 2. Declaration of Policy. – The State, in the protection of its marine wealth in its archipelagic waters, territorial sea and exclusive economic zone, adopts internationally accepted measures which impose strict liability for Oil Pollution Damage and ensure prompt and adequate compensation for persons who suffer such damage. This Act adopts and implements the provisions of the 1992 International Convention on Civil Liability for Oil Pollution Damage and the 1992 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.

SEC. 3. Definition of Terms. – For the purpose of this Act:

- (a) *1992 Civil Liability Convention* means the 1992 International Convention on Civil Liability for Oil Pollution Damage;
- (b) *1992 Fund Convention* means the 1992 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage;
- (c) *MARINA* means Maritime Industry Authority;
- (d) *PCG* means Philippine Coast Guard;
- (e) *PPA* means Philippine Ports Authority;
- (f) *Affiliate Corporation* means a corporation that is owned or subject to common corporate control by another corporation and operated as part of the latter’s business;
- (g) *Contributing Oil* means crude Oil and fuel Oil as herein defined:
 - (1) *Crude Oil* means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude Oils from which certain distillate fractions have been removed (which sometimes referred to as “topped crudes”) or to which certain distillate fractions have been added (sometimes referred to as “spiked” or “reconstituted” crudes); and
 - (2) *Fuel Oil* means heavy distillates or residues from crude Oil or blends of such materials intended for use as fuel for the production of heat or power of a quality equivalent to the “American Society for Testing and Materials Specification for Number Four Fuel Oil (Designation D 396-69)” or heavier;

- (h) *Incident* means any occurrence or series of occurrences having the same origin which causes Pollution Damage or creates a grave and imminent threat of causing such damage: *Provided*, That a series of occurrences shall be treated as having occurred on the date of the first such occurrence;
- (i) *Oil* means any persistent hydrocarbon mineral Oil such as crude Oil, fuel Oil, heavy diesel Oil and lubricating Oil, whether carried on board a Ship as cargo or in bunkers of such a Ship;
- (j) *Owner* means the person registered as the Owner of the Ship or, in the absence of registration, the person or persons owning the Ship. However, in case of a Ship owned by a State and operated by a company which in that State is registered as the Ship's operator, "Owner" shall mean such company;
- (k) *Person* means any individual or partnership or any public or private body, whether corporate or not, including a State or Government or its constituent subdivisions;
- (l) *Pollution Damage* means:
 - (1) Loss or damage caused outside the Ship by contamination resulting from the escape or discharge of Oil from the Ship, wherever such escape or discharge may occur: *Provided*, That compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and
 - (2) The costs of preventive measures and further loss or damage caused by preventive measure;
- (m) *Preventive Measures* means any reasonable measures taken by any person after an Incident has occurred to prevent or minimize Pollution Damage;
- (n) *Ship* means any sea-going vessel and sea-home craft of any type whatsoever constructed or adapted for the carriage of Oil in bulk as cargo: *Provided* That a Ship capable of carrying Oil and other cargoes shall be regarded as a Ship only when it is actually carrying Oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of Oil in bulk aboard;
- (o) *State of the Ship's registry* means in relation to registered Ships, the State of registration of the Ship and in relation to unregistered Ships, the State whose flag the Ship is flying; and
- (p) *Subsidiary Corporation* means a corporation in which control, in the form of ownership of majority shares, is in another corporation, called the parent corporation.

SEC. 4. Incorporation of the 1992 Civil Liability Convention and 1992 Fund Convention. – Subject to the provisions of this Act, the 1992 Civil Liability Convention and 1992 Fund Convention and their subsequent amendments shall form part of the law of the Republic of the Philippines.

SEC. 5 Scope of Application. – This law shall apply exclusively to Pollution Damage caused in Philippine territory, including its territorial sea and its exclusive economic zone, and to preventive measures, wherever taken, to prevent or minimize such damage.

CHAPTER II

STRICT LIABILITY FOR OIL POLLUTION DAMAGE

SECTION 6. Liability on Pollution Damage. – The Owner of the Ship at the time of an Incident, or where the Incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any Pollution Damage caused by the Ship as a result of the Incident. Such damages shall include, but not limited to:

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- (a) Reasonable expenses actually incurred in clean-up operations at sea or on shore;
- (b) Reasonable expenses of Preventive Measures and further loss or damage caused by preventive measures;
- (c) Consequential loss or loss of earnings suffered by Owners or users of property contaminated or damaged as a direct result of an Incident;
- (d) Pure economic loss or loss of earnings sustained by persons although the property contaminated or damaged as a direct result of an Incident does not belong to them;
- (e) Damage to human health or loss of life as a direct result of the Incident, including expenses for rehabilitation and recuperation: *Provided*, That costs of studies or diagnoses to determine the long-term damage shall also be included; and
- (f) Environmental damages and other reasonable measures of environmental restoration.

SEC. 7. Exempting Circumstances. – No liability as stated in the immediately preceding section shall attach to the Owner or his insurer if he proves that the damage:

- (a) Resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character;
- (b) Was wholly caused by an act or omission done with intent to cause damage by third party; and
- (c) Was wholly caused by the negligence or other wrongful act of the government or other enforcement agencies responsible for the maintenance of lights or other navigational aids in the exercise of that function. If the Owner proves that the Pollution Damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the Owner may be exonerated wholly or partially from his liability to such person.

SEC. 8. Persons Exempted from Claims for Compensation for Pollution Damage. – No claim for compensation Pollution Damage under this Act may be made against:

- (a) The servants or agents of the Owner or the members of the crew;
- (b) The pilot or any other person who, without being a member of the crew, performs services for the Ship;
- (c) Any charterer, howsoever described, including a bareboat charterer, manager or operator of the Ship;
- (d) Any person performing salvage operations with the consent of the Owner or on the instructions of a competent public authority;
- (e) Any person taking Preventive Measures; and
- (f) All servants or agents of persons mentioned in paragraphs (c), (d) and (e) hereof, unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or committed recklessly and with knowledge that such damage would probably result: *Provided*, That nothing in this Act shall prejudice any right of recourse of the Owner against third parties.

SEC. 9. Joint and Several Liability. – When an Incident involving two or more Ships occurs and Pollution Damage results therefrom, the Owners of all the Ships concerned, unless exonerated under Section 7 hereof, shall be jointly and severally liable for all such damage which is not reasonably separable,

without prejudice, however, to the right of recourse of any of such Owners to proceed against each other or third parties.

CHAPTER III

SYSTEM OF LIMITATION OF LIABILITY

SECTION 10. *Limitation of Liability.* – The Owner shall be entitled to limit his liability under this Act with respect to a particular Incident to a total amount calculated as follows:

- (a) Three million units of account for a Ship not exceeding 5,000 units of tonnage;
- (b) For a Ship with a tonnage in excess thereof, for each unit of tonnage, 420 units of account for each unit in addition to the amount mentioned in paragraph (a): *Provided, however,* That this aggregate amount shall not, in any event, exceeds 59.7 million units of account: *Provided, further,* That the limit of liability of the Owner as aforementioned shall be subject to adjustment according to subsequent amendments to the 1992 Civil Liability Convention.

The limited liability, under this Section may not be availed of by the Owner if it has been established that such Pollution Damage resulted from his personal act or omission, committed with intent to cause such damage, or committed recklessly and with knowledge that such damage would probably result.

The “unit of account” referred to in this Section is the Special Drawing Right (SDR) as defined by the International Monetary Fund as set forth in the 1992 Civil Liability Convention. The said amount shall be converted into national currency on the basis of the value of the currency by reference to the SDR on the date that the fund is constituted under Section 11 of this Act.

The SDR is an international reserve asset, created by the IMF in 1969 to supplement the existing official reserves of member countries. SDRs are allocated to member countries in proportion to their IMF quotas. The SDR also serves as the unit of account of the IMF and some other international organizations. Its value is based on a basket of key international currencies.

SEC. 11. *Constitution of a fund.* – For the purpose of availing himself of the benefit of limitation provided for under Section 10 of this Act following the occurrence of a particular Incident, the Owner shall be required to constitute a fund for the total sum representing the limit of his liability with the Maritime Industry Authority (MARINA) to cover Incidents causing Pollution Damage: *Provided,* That any claim for compensation from Pollution Damage shall be brought directly to the Regional Trial Courts (RTC).

The fund can be constituted by depositing the sum or by producing a bank guarantee or other financial guarantee acceptable under existing laws and considered to be adequate by the Department of Transportation and Communications (DOTC).

CHAPTER IV

SYSTEM OF COMPULSORY INSURANCE AND CERTIFICATION

SECTION 12. *Maintenance of Compulsory Insurance or Other Financial Security.* – All Owners shall be required annually by the MARINA to maintain insurance or other financial security for Pollution Damage in the sums fixed by applying the limits of liability under Section 10 of this Act.

SEC. 13. *Issuance of a Certificate.* – A certificate attesting that an insurance or any other financial security is in force in accordance with the provisions of this Act shall be issued to each Ship carrying more than 2,000 tons of Oil in bulk as cargo by the MARINA. With respect to a Ship not registered in a

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convention-member State, such certificate may be issued or certified by the MARINA. This certificate shall be in the form established by the 1992 Civil Liability Convention and shall contain the following particulars:

- (a) Name of Ship and port of registration;
- (b) Name and principal place of business of the Owner;
- (c) Type of security;
- (d) Name and principal place of business of the insurer or other person giving security and, where appropriate, place of business where the insurance or security is established; and
- (e) Validity period of the certificate which shall not be longer than the period of validity of the insurance or other financial security.

Sec. 14. Enforcement. – Ship carrying more than 2,000 tons of Oil in bulk as cargo shall not be allowed entry into Philippine territory or its exclusive economic zone without a valid certificate of insurance or financial security for Pollution Damage required by this Act.

For this purpose, the PPA or any other port authorities shall deny port services to said Ship without such certificate.

If any such Ship is found within the said territory or zone without such certificate, said Ship shall be prevented from loading or unloading its cargo until it is able to produce the appropriate insurance or financial security duly certified by the State of its registry if such country is a convention- member State, otherwise, issued or certified by the MARINA or any convention-member State.

The Owner and master of the Ship referred to in the immediately preceding paragraph shall be jointly and severally liable to the fines set forth in this Act. Such Ship shall be prevented from leaving unless the appropriate fines shall have been paid to the full satisfaction of the MARINA.

The PCG shall conduct inspections of certificates of Ships entering the territory of the Philippines, or, in the case of Ships registered in the Philippines voyaging within the said territory: *Provided* That such inspections shall not cause undue delay to the Ships.

CHAPTER V

CONTRIBUTION TO THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND

SECTION 15. Contributions to the International Oil Pollution Compensation (IOPC) Fund. – Any person who has received more than 150,000 tons of contributing Oil in a calendar year in all ports or terminal installations in the Philippines through carriage by sea, shall pay contributions to the International Oil Pollution Compensation (IOPC) Fund in accordance with the provisions of the 1992 Fund Convention.

A person shall be deemed to have received contributing Oil, for contribution purposes, if he received the same:

- (a) From another country; or
- (b) From another port or terminal installation within the Philippines, notwithstanding that it had already been previously received by him.

Where the quantity of contributing Oil received by any person in the Philippines in a calendar year, when aggregated with the quantity of contributing Oil received in the Philippines in that year by its subsidiary or affiliate corporation, exceeds 150,000 tons, said person, including its subsidiaries, shall

pay contributions in respect of the actual quantity received by each, notwithstanding that the actual quantity received by each did not exceed 150,000 tons.

Sec. 16. Reporting of Contributing Oil. – Any person who, in a calendar year, has received in the territory of the Philippines contributing Oil, as defined in this Act, shall, not later than February 1 of the following year, report to the Department of Energy (DOE) the quantity of such Oil received. The DOE, through the Department of Foreign Affairs, shall communicate the data at a time and in the manner prescribed by the 1992 Fund Convention.

CHAPTER VI

ACTION FOR COMPENSATION

SECTION 17. Action for Compensation. – An action for compensation on account of Pollution Damage resulting from the Incident which occurred in the territory may be brought before the RTC against the following persons:

- (a) Owner of the polluting Ship; or
- (b) Insurer or other person providing financial security of the said Owner's liability for pollution.

For this purpose, foreign corporation, partnership, association or individual, whether or not licensed to transact business in the Philippines by any appropriate government agencies, providing such insurance or financial security for Pollution Damage shall be considered transacting or doing business in the Philippines and shall be subject to the jurisdiction of the regular judicial courts of the country.

Such action shall be filed within three years of the date on which the damage occurred, but not later than six years of the date of the Incident.

The PCG shall investigate, *motu proprio* or through compensation or violation of this Act, and shall forthwith file appropriate action with the RTC.

It shall likewise provide the complainant necessary technical evidence or any assistance, whether or not testimonial or documentary, insofar as the claim for compensation or violation of this Act is concerned.

Filing of the action under this Section shall only require payment of filing fees equivalent to 10 percent of the regular rates established therefore by the Supreme Court of the Philippines. However, indigent plaintiff shall be exempt from payment of docket and other lawful fees, and of transcripts of stenographic notes which the court may order to be furnished him. The amount of the docket and other lawful fees which the indigent was exempted from paying shall be a lien on any judgment rendered in the case favorable to the indigent, unless the court otherwise provides.

Sec. 18. Adjudication or Settlement of Claims. – The RTC shall decide claims for compensation or certify the compromise agreement by the parties within a reasonable period.

Where compensation was not obtained or satisfied under the 1992 Civil Liability Convention, the claimant may seek compensation under the 1992 Fund Convention. The RTC shall furnish the IOPC Fund with its certified decision, together with pertinent documents, on a claim for Pollution Damages.

Where the fund under the 1992 Civil Liability Convention is insufficient to satisfy the claims of those who are entitled to compensation, the amount of compensation of each claimant shall be distributed *pro rata*.

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SEC. 19. *Intervention by the IOPC Fund* – The IOPC Fund may intervene as a party to any legal proceedings instituted against the Owner of a Ship or his guarantor under Article IX of the 1992 Civil Liability Convention.

CHAPTER VII

PENALTY PROVISIONS

SECTION 20. *Violation of the Act.* - The following acts shall be considered violations of the Act and the persons responsible shall suffer the corresponding fines:

- (a) Any person who fails to institute or maintain insurance or other financial security required under Section 12 of this Act;
 - (1) Ships of 500 gross tons (GRT) and below – not less than One Hundred Thousand Pesos (P100,000) but not more than Two Hundred Fifty Thousand Pesos (P250,000);
 - (2) Ships of above 500 to 1,000 GRT – not less than Two Hundred Fifty Thousand Pesos (P250,000) but not more than Five Hundred Thousand Pesos (P500,000);
 - (3) Ships of above 1,000 to 5,000 GRT – not less than Five Hundred Thousand Pesos (P500,000) but not more than One Million Pesos (P1 million);
 - (4) Ships of above 5,000 to 10,000 GRT – not less than One Million Pesos (P1 million) but not more than Five Million Pesos (P5 million);
 - (5) Ships of above 10,000 to 20,000 GRT – not less than Five Million Pesos (P5 million) but not more than Ten Million Pesos (P10 million); and
 - (6) Ships of above 20,000 GRT – not less than Ten Million Pesos (P10 million) but not more than Fifteen Million Pesos (P15 million).
- (b) The Owner and the master of a Ship who operate a Ship without maintaining on board a certificate of insurance required under Section 13 of this Act:
 - (1) First violation – Five Hundred Thousand Pesos (P500,000);
 - (2) Second violation – One Million Pesos (P1 million); and
 - (3) Third violation - One Million Five Hundred Thousand Pesos (P1.5 million).
- (c) Any person required under Section 15 of this Act to contribute to the IOPC Fund but nevertheless fails to comply therewith after due notice by the MARINA:
 - (1) First violation – Three Million Pesos (P3 million);
 - (2) Second violation – Four Million Pesos (P4 million); and
 - (3) Third violation – Five Million Pesos (P5 million).
- (d) Failure to Submit Report of Contributing Oil. – Any person required under Section 16 of this Act to submit report of contributing Oil and notwithstanding 10-day notice thereto, fails to comply therewith:
 - (1) First violation – Five Hundred Thousand Pesos (P500,000);
 - (2) Second violation – One Million Pesos (P 1 million); and
 - (3) Third violation – One Million Five Hundred Thousand Pesos (P1.5 million).

- (e) Any person who shall refuse, obstruct, or hamper the entry of the duly authorized representatives of the Department or any person authorized under this Act aboard any Ship or establishment pursuant to this Act shall be liable to pay a fine not exceeding One Hundred Thousand Pesos (P100,000); and
- (f) Any Ship apprehended for violation of this Act may be subjected to detention.

The fines prescribed in this Section and other sections of this Chapter shall be increased by at least 10 percent every three years to compensate for inflation and to maintain the deterrent function of such fines.

SEC. 21. Institutional Mechanism. – The DOTC shall be the lead implementing agency unless otherwise provided in this Act.

CHAPTER VIII

FINAL PROVISIONS

SECTION 22. Oil Pollution Management Fund. – An Oil Pollution Management Fund (OPMF) to be administered by the MARINA is hereby established. Said Fund shall be constituted from:

- (a) Contributions of Owners and operators of tankers and barges hauling Oil and/or petroleum products in Philippine waterways and coastwise shipping routes. During its first year of existence, the Fund shall be constituted by an impost of ten centavos (P0.10) per liter for every delivery or transshipment of Oil made by tanker barges and tanker haulers. For the succeeding fiscal years, the amount of contribution shall be jointly determined by MARINA, other concerned government agencies, and representatives from the Owners of tankers barges, tankers haulers, and Ship hauling Oil and/or petroleum products. In determining the amount of contribution, the purposes for which the fund was set up shall always be considered; and
- (b) Fines imposed pursuant to this Act, grants, donations, endowment from various sources, domestic or foreign, and amounts specifically appropriated for OPMF under the annual General Appropriations Act.

The Fund shall be used to finance the following activities:

- (a) Immediate containment, removal and clean-up operations of the PCG in all Oil pollution cases, whether covered by this Act or not; and
- (b) Research, enforcement and monitoring activities of relevant agencies such as the PCG, MARINA and PPA, and other ports authority of the DOTC, Environmental Management Bureau of the DENR, and the DOE: *Provided*, That 90 percent of the Fund shall be maintained annually for the activities set forth under item (a) of this paragraph: *Provided, further*, That any amounts specifically appropriated for said Fund under the General Appropriations Act shall be used exclusively for the activities set forth under item (a) of this paragraph.

In no case, however, shall the Fund be used for personal services expenditures except for the compensation of those involved in clean-up operations.

Provided, That amounts advanced to a responding entity or claimant shall be considered as advances in case of final adjudication/award by the RTC under Section 18 and shall be reimbursed to the Fund.

SEC. 23. Appropriations. – The Secretary of the DOTC shall include in the Department's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

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SEC. 24. *Implementing Rules and Regulations.* – The DOTC, in coordination with other concerned agencies and sectors, shall, within three months after the effectivity of this Act, promulgate rules and regulations for the effective implementation of this Act. A manual providing for the procedures concerning the enforcement of claims under this Act shall, likewise, be developed within the said period.

The said rules and regulations and manual shall be published in a newspaper of general circulation also within the said period.

SEC. 25. *Separability Clause.* – In the event that any provision of this Act is declared unconstitutional, the validity of the remainder shall not be affected thereby.

SEC. 26. *Repealing Clause.* – All laws, decrees, rules and regulations and executive orders contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 27. *Effectivity Clause.* – This Act shall take effect after the completion of its publication made once a week for three consecutive weeks in at least two newspapers of general circulation.

Approved: June 2, 2007.

REPUBLIC ACT No. 9486
AN ACT ESTABLISHING THE BUHISAN WATERSHED FOREST RESERVE, THE MANANGA WATERSHED FOREST RESERVE, THE SUDLON NATIONAL PARK, THE CENTRAL CEBU NATIONAL PARK AND THE KOTKOT-LUSARAN WATERSHED FOREST RESERVE SITUATED IN THE CITIES OF CEBU, TALISAY, TOLEDO AND DANAOS AND IN THE MUNICIPALITIES OF MINGLANILLA, CONSOLACION, LILOAN, COMPOSTELA AND BALAMBAN, PROVINCE OF CEBU INTO ONE PROTECTED AREA TO BE KNOWN AS THE CENTRAL CEBU PROTECTED LANDSCAPE AND FOR OTHER PURPOSES

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

SECTION 1. Title. This Act shall be known as the “*Central Cebu Protected Landscape (CCPL) Act of 2007.*”

SEC. 2. Declaration of Policy. The critical importance of protecting, conserving, maintaining and rehabilitating the natural physical attributes and processes of the watershed and its complementary biological diversities, as well as the aesthetic, historical, cultural and economic significance of the Central Cebu Protected Landscape to the continued existence, survival, sustenance, growth and development of present and future inhabitants of the Island of Cebu cannot be overemphasized, it is hereby declared the policy of the State to secure the protection, conservation, rehabilitation and sustainable development of the Central Cebu Protected Landscape, particularly its role as a watershed for water generation and supply purposes; its associated biological diversity, other natural, ecological and physical processes and values; its communities, their culture and way of life insofar as these are in harmony with nature and the biophysical and ecological systems of the area.

Pursuant to the provisions of Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992, the States ensure the mobilization of resources for the operationalization of institutional mechanisms established herein, the implementation of appropriate measures and the provision of support necessary for the protection, conservation, maintenance, rehabilitation and sustainable development of the Central Cebu Protected Landscape, especially its crucial role and significance as a watershed for water generation and supply purposes, its associated biological diversity and its integrity as an ecosystem.

SEC. 3. Land Classification. All lands of the public domain comprising the Central Cebu Protected Landscape shall fall under the classification of national park as provided for in the Philippine Constitution.

SEC. 4. Scope and Coverage. Pursuant to and in accordance with the NIPAS Act, the Buhisan Watershed Forest Reserve, the Mananga Watershed Forest Reserve, the Sudlon National Park, the Central Cebu National Park and the Kotkot-Lusaran Watershed Forest Reserve located in the cities of Cebu, Talisay, Toledo and Danaos, and in the municipalities of Minglanilla, Consolacion, Liloan, Compostela and Balamban in the Province of Cebu are hereby declared into one protected area and a permanent component of the NIPAS under category of a protected landscape: *Provided, however,* special uses, management and restrictions per component shall be consistent with its previous classification, either national park or as a watershed forest reserve. These collectively shall be referred to as the Central Cebu Protection Landscape (CCPL). The CCPL consists of Parcel “A” and Parcel “B,” and covers a consolidated area of 29,062 hectares, more or less, more particularly described as follows:

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Parcel "A"

All corner points except for the Tie Point were del using GIS and in UTM coordinates. Tie Point is CBU-158 coordinate 1159528.36N and 600394.59E. Coordinate of cc No. 1 is 1161178.78N and 597179.5E.

Lines	Bearing	Distance (m)
TP 1	S 62° 49' 37" E	3,613.96
1-2	S 83° 12' 18" E	14.79
2-3	S 84° 12' 46" E	37.19
3-4	S 56° 11' 38" E	36.18
4-5	DUE EAST	105.19
5-6	N 82° 25' 27" E	75.85
6-7	N 56° 11' 35" E	36.18
7-8	N 39° 16' 03" E	71.20
8-9	N 24° 26' 47" E	60.56
9-10	N 40° 36' 42" E	92.37
10-11	N 09° 52' 31" E	116.98
11-12	N 22° 36' 10" E	130.25
12-13	N 37° 34' 57" E	82.19
13-14	N 08° 59' 55" E	96.31
14-15	N 26° 29' 27" E	44.84
15-16	N 39° 49' 11" E	78.27
16-17	N 17° 07' 13" E	68.15
17-18	N 45° 00' 08" E	92.10
18-19	N 58° 21' 31" E	76.50
19-20	N 56° 19' 39" E	126.47
20-21	N 57° 54' 05" E	47.29
21-22	N 66° 50' 18" E	76.27
22-23	S 34° 17' 34" E	133.45
23-24	S 30° 59' 01" E	116.79
24-25	S 53° 27' 22" E	84.17
25-26	S 34° 27' 41" E	115.39
26-27	S 41° 21' 20" E	166.86
27-28	S 49° 14' 27" E	191.84
28-29	S 67° 35' 22" E	92.15
29-30	S 78° 42' 39" E	102.16
30-31	S 85° 36' 35" E	130.63
31-32	S 79° 14' 27" E	107.13
32-33	S 56° 14' 27" E	54.20
33-34	S 81° 53' 20" E	106.31
34-35	N 11° 53' 00" E	18.52
35-36	N 78° 26' 52" E	105.51
36-37	N 45° 00' 00" E	134.00
37-38	N 59° 01' 45" E	138.20
38-39	N 49° 53' 47" E	196.19
39-40	N 42° 31' 02" E	128.55
40-41	N 68° 56' 54" E	109.96
41-42	N 45° 00' 00" E	111.72

42-43	N 18° 26' 06" E	124.91
43-44	N 74° 05' 51" E	114.96
44-45	N 58° 34' 37" E	166.62
45-46	N 53° 36' 05" E	186.43
46-47	S 38° 37' 36" E	101.12
47-48	S 45° 02' 04" E	67.05
48-49	S 78° 42' 59" E	80.49
49-50	S 62° 05' 53" E	151.98
50-51	S 80° 33' 44" E	96.05
51-52	S 44° 59' 54" E	122.86
52-53	S 53° 27' 53" E	132.70
53-54	S 74° 44' 60" E	180.09
54-55	S 61° 11' 07" E	180.26
55-56	DUE EAST	55.31
56-57	N 51° 20' 25" E	151.67
57-58	N 64° 31' 60" E	183.73
58-59	S 53° 07' 09" E	197.45
59-60	S 75° 57' 50" E	162.86
60-61	N 87° 37' 08" E	189.66
61-62	N 86° 38' 48" E	134.54
62-63	N 85° 44' 28" E	213.84
63-64	S 77° 27' 12" E	145.60
64-65	S 49° 06' 28" E	156.76
65-66	S 44° 55' 58" E	78.23
66-67	DUE EAST	158.00
67-68	S 82° 40' 05" E	246.83
68-69	S 41° 58' 21" E	106.26
69-70	S 35° 33' 44" E	67.92
70-71	S 61° 39' 57" E	116.66
71-72	N 76° 58' 39" E	105.40
72-73	S 71° 33' 21" E	124.85
73-74	S 40° 34' 43" E	145.66
74-75	S 25° 12' 19" E	148.38
74-75	S 56° 20' 48" E	113.90
75-76	S 86° 49' 36" E	142.34
76-77	S 69° 42' 58" E	273.66
77-78	N 83° 37' 53" E	143.07
78-79	N 69° 29' 46" E	67.46
79-80	S 85° 55' 33" E	221.69
80-81	N 56° 19' 17" E	170.86
81-82	N 36° 31' 28" E	265.37
82-83	N 22° 23' 31" E	145.20
83-84	N 49° 10' 23" E	229.62
84-85	N 57° 16' 08" E	262.86
85-86	N 23° 36' 55" E	137.92
86-87	N 26° 31' 43" W	88.30
87-88	N 07° 10' 00" W	63.63
88-89	N 42° 17' 01" E	117.42
89-90	N 85° 14' 45" E	95.08

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90-91	S 35° 33' 44" E	67.92
91-92	S 16° 42' 10" E	164.83
92-93	S 34° 30' 26" E	153.35
93-94	S 61° 21' 44" E	197.97
94-95	S 52° 18' 29" E	219.57
95-96	S 05° 10' 47" W	87.23
96-97	S 29° 44' 15" W	63.63
97-98	S 37° 24' 45" W	169.02
98-99	S 36° 50' 01" W	79.03
99-100	S 08° 45' 31" W	103.84
100-101	S 32° 02' 17" W	74.46
101-102	S 60° 12' 34" W	63.66
102-103	S 09° 28' 07" W	192.24
103-104	S 32° 02' 02" W	74.47
104-105	S 37° 24' 45" W	169.02
105-106	S 32° 42' 60" W	131.48
106-107	S 22° 37' 50" W	102.65
107-108	S 27° 45' 21" W	169.50
108-109	S 10° 53' 12" W	209.14
109-110	S 26° 33' 54" W	176.65
110-111	S 24° 59' 49" W	130.75
111-112	S 05° 42' 38" W	238.05
112-113	S 04° 39' 45" E	388.28
113-114	S 03° 05' 50" E	292.68
114-115	S 36° 52' 34" E	197.37
115-116	S 37° 52' 38" E	270.11
116-117	S 30° 15' 12" E	438.89
117-118	S 21° 47' 50" W	170.17
118-119	DUE SOUTH	102.63
119-120	S 02° 12' 48" E	205.52
120-121	S 25° 33' 44" E	201.34
121-122	S 18° 27' 27" W	99.89
122-123	S 44° 58' 57" W	145.27
123-124	S 39° 46' 45" W	61.64
124-125	S 03° 00' 19" E	150.21
125-126	S 07° 07' 53" W	127.37
126-127	S 03° 01' 35" E	150.33
127-128	S 84° 09' 38" E	154.80
128-129	N 68° 57' 16" E	219.99
129-130	N 57° 05' 39" E	159.90
130-131	N 46° 29' 16" E	217.86
131-132	N 44° 58' 57" E	145.21
132-133	N 19° 57' 60" E	184.86
133-134	N 58° 01' 43" E	148.97
134-135	N 59° 42' 56" E	109.80
135-136	N 84° 49' 02" E	87.23
136-137	S 25° 52' 05" E	289.65
137-138	S 36° 22' 17" E	186.44
138-139	S 26° 33' 54" E	211.87

139-140	S 38° 08' 30" E	140.66
140-141	S 33° 43' 09" E	142.31
141-142	S 36° 49' 57" E	118.54
142-143	S 75° 06' 49" E	122.62
143-144	N 79° 43' 27" E	88.29
144-145	N 87° 30' 57" E	181.80
145-146	S 65° 14' 01" E	226.18
146-147	S 11° 52' 57" E	153.28
147-148	N 71° 34' 41" W	174.83
148-149	DUE WEST	126.31
149-150	S 44° 59' 54" W	122.86
150-151	S 37° 38' 55" W	13.10
151-152	S 38° 09' 26" W	4.45
152-153	S 42° 56' 46" E	252.91
153-154	S 52° 42' 17" E	184.63
154-155	S 50° 41' 17" E	99.44
155-156	S 52° 05' 52" W	79.76
156-157	S 28° 38' 53" E	87.60
157-158	DUE EAST	41.94
158-159	S 50° 11' 40" E	54.67
159-160	S 29° 21' 42" E	128.36
160-161	S 02° 36' 09" E	154.16
161-162	S 71° 33' 24" E	132.76
162-163	S 40° 40' 15" E	64.45
163-164	S 12° 57' 25" E	93.38
164-165	S 08° 08' 27" E	98.87
165-166	S 10° 26' 31" E	270.36
166-167	S 16° 09' 07" W	276.80
167-168	N 79° 41' 13" W	78.20
168-169	S 44° 58' 29" W	98.95
169-170	S 03° 22' 11" E	119.09
170-171	S 51° 01' 39" W	189.00
171-172	S 18° 01' 50" W	632.83
172-173	S 78° 43' 12" W	178.32
173-174	N 86° 25' 18" W	112.16
174-175	S 45° 00' 00" W	69.30
175-176	S 11° 18' 36" E	107.08
176-177	S 14° 03' 26" W	86.46
177-178	S 84° 48' 05" W	77.25
178-179	S 66° 00' 60" W	68.89
179-180	S 45° 00' 00" W	59.40
180-181	S 51° 20' 25" W	44.82
181-182	N 58° 45' 39" W	269.95
182-183	N 49° 25' 29" W	128.94
183-184	S 59° 03' 50" W	163.15
184-185	S 41° 57' 33" W	94.13
185-186	S 78° 41' 24" W	71.39
186-187	N 57° 10' 50" W	258.07
187-188	N 26° 32' 40" W	156.50

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188–189	N 17° 39' 47" W	161.49
189–190	N 76° 59' 48" W	186.66
190–191	S 87° 47' 45" W	182.01
191–192	S 62° 20' 39" W	165.89
192–193	S 75° 03' 36" W	217.22
193–194	DUE WEST	139.88
194–195	N 73° 18' 03" W	73.08
195–196	N 75° 56' 55" W	57.66
196–197	N 20° 33' 22" W	59.81
197–198	DUE NORTH	139.87
198–199	N 60° 37' 43" W	128.45
199–200	N 24° 26' 38" W	84.58
200–201	N 17° 44' 14" W	183.61
201–202	N 07° 46' 18" E	155.30
202–203	N 24° 44' 33" E	100.20
203–204	N 57° 17' 53" E	116.39
204–205	N 49° 14' 44" E	182.67
205–206	N 55° 36' 04" W	170.58
206–207	N 51° 20' 41" W	202.33
207–208	N 33° 40' 33" W	56.92
208–209	N 69° 26' 53" W	134.96
209–210	N 60° 13' 38" W	127.38
210–211	N 87° 08' 50" W	158.13
211–212	N 60° 16' 26" W	127.32
212–213	N 21° 01' 41" W	110.08
213–214	N 04° 23' 17" E	205.85
214–215	N 38° 16' 19" W	191.22
215–216	N 69° 59' 39" W	92.45
216–217	N 45° 00' 11" W	66.99
217–218	N 35° 33' 44" W	135.84
218–219	N 40° 48' 58" W	229.58
219–220	N 44° 58' 23" W	100.55
220–221	N 79° 21' 23" W	128.59
221–222	N 77° 30' 11" W	72.79
222–223	N 34° 17' 46" W	105.15
223–224	N 39° 49' 03" W	61.69
224–225	S 48° 22' 59" W	95.05
225–226	S 57° 59' 22" W	149.04
226–227	S 79° 58' 04" W	136.33
227–228	S 64° 26' 46" W	201.39
228–229	N 49° 38' 06" W	207.29
229–230	N 79° 41' 09" W	176.60
230–231	N 85° 36' 43" W	102.99
231–232	DUE WEST	7.88
232–233	S 10° 36' 58" W	128.58
233–234	S 35° 00' 18" W	192.74
234–235	N 64° 49' 44" W	148.41
235–236	N 36° 52' 11" W	118.44
236–237	N 49° 03' 25" W	156.80

237-238	N 48° 22' 06" W	190.23
238-239	N 26° 33' 54" W	105.93
239-240	S 72° 19' 16" W	182.36
240-241	N 71° 33' 54" W	124.91
241-242	S 84° 18' 19" W	158.72
242-243	S 60° 16' 40" W	127.31
243-244	DUE WEST	47.38
244-245	S 51° 19' 05" W	101.20
245-246	S 65° 13' 53" W	113.09
246-247	S 45° 00' 11" W	66.99
247-248	S 86° 59' 39" W	150.27
248-249	DUE WEST	102.69
249-250	S 66° 20' 23" W	137.97
250-251	S 71° 36' 37" W	99.85
251-252	S 54° 28' 06" W	67.97
252-253	S 68° 11' 33" W	212.66
253-254	S 75° 15' 10" W	155.17
254-255	S 63° 27' 21" W	141.27
255-256	S 57° 29' 19" W	103.02
256-257	S 74° 05' 51" W	114.96
257-258	DUE WEST	94.75
258-259	S 80° 29' 31" W	96.13
259-260	N 34° 58' 59" W	192.84
260-261	S 28° 26' 16" W	107.75
261-262	S 22° 49' 37" W	162.88
262-263	S 47° 43' 05" W	117.42
263-264	S 33° 41' 21" W	170.82
264-265	S 47° 00' 03" W	162.03
265-266	S 41° 37' 11" W	95.13
266-267	S 33° 41' 56" W	113.89
267-268	S 23° 55' 41" W	77.82
268-269	S 47° 30' 12" W	128.59
269-270	S 39° 04' 40" W	162.80
270-271	S 67° 22' 58" W	102.71
271-272	S 69° 59' 60" W	92.45
272-273	S 36° 51' 35" W	157.95
273-274	S 57° 17' 34" W	131.40
274-275	S 59° 03' 08" W	92.11
275-276	S 42° 31' 02" W	128.55
276-277	S 39° 44' 46" W	61.78
277-278	S 11° 18' 18" W	161.00
278-279	S 23° 12' 25" W	60.11
279-280	S 53° 42' 53" W	147.01
280-281	S 53° 11' 24" W	39.42
281-282	S 71° 32' 05" W	74.99
282-283	S 71° 36' 25" W	74.89
283-284	S 05° 11' 59" W	174.47
284-285	S 38° 08' 39" W	140.66
285-286	S 79° 24' 32" W	128.57

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286–287	DUE WEST	134.25
287–288	DUE WEST	78.94
288–289	N 74° 06' 21" W	57.51
289–290	S 34° 59' 54" W	96.44
290–291	S 73° 22' 26" W	276.11
291–292	S 79° 02' 56" W	249.35
292–293	S 68° 57' 37" W	220.05
293–294	S 63° 27' 18" W	158.87
294–295	S 66° 47' 22" W	180.48
295–296	S 41° 49' 43" W	201.30
296–297	S 35° 30' 12" W	68.02
297–298	DUE SOUTH	173.75
298–299	S 08° 45' 31" W	103.84
299–300	S 36° 52' 12" W	118.44
300–301	S 46° 23' 34" W	229.08
301–302	S 49° 24' 14" W	145.61
302–303	S 57° 59' 22" W	149.04
303–304	N 76° 58' 39" W	105.40
304–305	S 75° 57' 55" W	195.33
305–306	N 80° 01' 34" W	136.37
306–307	S 54° 27' 12" W	135.89
307–308	S 25° 41' 56" W	236.66
308–309	S 05° 21' 15" E	253.86
309–310	S 30° 16' 32" W	109.71
310–311	S 21° 48' 49" W	170.05
311–312	S 15° 42' 14" W	262.55
312–313	S 09° 14' 03" W	320.15
313–314	S 21° 50' 14" E	127.53
314–315	S 42° 28' 52" W	128.64
315–316	S 43° 06' 13" W	335.22
316–317	DUE WEST	157.94
317–318	DUE WEST	94.81
318–319	S 63° 25' 57" W	105.94
319–320	S 27° 45' 19" W	169.64
320–321	S 40° 14' 51" W	134.46
321–322	S 57° 05' 39" W	159.90
322–323	S 75° 03' 18" W	122.65
323–324	S 72° 38' 05" W	132.34
324–325	S 45° 00' 00" W	167.58
325–326	S 47° 23' 22" W	268.27
326–327	S 50° 44' 31" W	112.20
327–328	S 36° 32' 52" W	262.81
328–329	DUE NORTH	0.00
329–330	S 36° 52' 13" E	94.06
330–331	S 34° 18' 03" E	125.43
331–332	S 11° 19' 28" E	96.12
332–333	DUE SOUTH	113.13
333–334	S 08° 49' 02" E	276.64
334–335	S 08° 52' 33" E	152.71

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335-336	S 21° 32' 09" W	192.56
337-338	S 33° 42' 11" W	152.96
338-339	S 12° 31' 14" W	43.54
339-340	S 25° 02' 35" E	77.96
340-341	S 11° 17' 16" W	96.11
341-342	S 00° 00' 00" E	99.00
342-343	S 19° 58' 27" E	165.58
343-344	S 48° 25' 20" W	85.14
344-345	S 62° 07' 28" W	90.64
345-346	S 42° 27' 42" W	76.75
346-347	S 24° 00' 25" W	46.39
347-348	S 34° 48' 35" W	132.15
348-349	S 26° 33' 54" w	105.37
349-350	S 20° 43' 55" E	186.44
350-351	S 19° 26' 28" E	169.94
351-352	S 25° 27' 18" E	109.64
352-353	S 23° 45' 06" E	257.43
353-354	S 53° 07' 18" W	141.42
354-355	S 42° 30' 23" W	153.46
355-356	S 05° 33' 36" W	194.16
356-357	S 33° 40' 39" E	237.93
357-358	S 45° 02' 45" E	59.97
358-359	S 35° 31' 39" W	81.10
359-360	S 77° 22' 55" W	43.49
360-361	N 61° 47' 53" W	149.71
361-362	S 85° 11' 59" W	56.76
362-363	S 43° 51' 09" W	163.29
363-364	S 41° 09' 33" W	100.28
364-365	S 18° 10' 41" W	158.67
365-366	S 59° 44' 23" W	130.97
366-367	S 59° 02' 10" W	192.42
367-368	S 81° 33' 38" W	128.64
368-369	N 74° 26' 32" W	88.10
369-370	S 70° 47' 43" W	114.76
370-371	S 66° 35' 05" W	154.13
371-372	S 69° 46' 24" W	95.45
372-373	S 09° 59' 50" W	81.37
373-374	S 03° 34' 45" W	151.16
374-375	S 48° 02' 05" W	63.38
375-376	S 40° 53' 01" W	93.58
376-377	S 57° 03' 20" E	103.89
377-378	S 53° 57' 22" E	64.16
378-379	S 51° 18' 21" E	90.57
379-380	S 43° 32' 20" E	130.02
380-381	S 35° 44' 04" E	145.22
381-382	S 04° 00' 19" E	203.12
382-383	S 45° 01' 55" E	79.95
383-384	S 85° 23' 23" E	118.19
384-385	N 74° 02' 39" E	68.64

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385-386	S 35° 00' 18" E	57.53
386-387	S 38° 40' 25" W	120.72
387-388	S 03° 33' 11" W	75.65
388-389	S 26° 35' 09" W	147.47
389-390	S 46° 42' 08" W	110.09
390-391	S 59° 32' 28" W	92.95
391-392	S 49° 23' 28" W	130.41
392-393	S 65° 57' 25" W	289.01
393-394	S 65° 41' 34" W	160.34
394-395	S 79° 41' 10" W	210.84
395-396	S 68° 12' 05" W	76.12
396-397	S 82° 52' 05" W	151.99
397-398	S 40° 31' 46" W	192.26
398-399	S 46° 57' 52" W	96.71
399-400	S 51° 21' 53" W	90.49
400-401	S 21° 21' 44" W	116.50
401-402	S 32° 11' 50" W	150.37
402-403	S 28° 05' 13" W	80.05
403-404	DUE SOUTH	66.00
404-405	S 56° 19' 50" W	85.01
405-406	S 67° 20' 07" W	61.30
406-407	S 31° 36' 14" W	71.92
407-408	S 27° 27' 22" W	132.84
408-409	S 31° 38' 48" W	71.95
409-410	S 26° 34' 00" W	94.89
410-411	S 14° 01' 33" W	174.84
411-412	N 83° 19' 23" W	80.67
412-413	S 32° 02' 46" W	88.93
413-414	S 10° 57' 56" E	148.84
414-415	S 61° 53' 45" W	80.14
415-416	S 23° 38' 35" W	82.29
416-417	S 03° 53' 38" E	103.99
417-418	S 48° 26' 38" E	56.71
418-419	S 65° 29' 01" E	56.95
419-420	S 23° 56' 38" W	92.86
420-421	S 15° 32' 15" W	87.96
421-422	S 17° 38' 40" W	108.87
422-423	S 69° 28' 11" W	80.55
423-424	S 66° 00' 59" W	46.45
424-425	S 04° 58' 38" E	108.78
425-426	S 08° 59' 40" E	90.75
426-427	S 26° 36' 16" W	84.30
427-428	S 09° 27' 40" W	57.41
428-429	S 02° 42' 40" W	99.11
429-430	S 36° 54' 36" W	70.66
430-431	S 34° 43' 00" W	74.52
431-432	S 18° 22' 45" W	59.66
432-433	S 14° 03' 03" W	116.62
433-434	S 45° 00' 00" W	86.62

434-435	S 78° 40' 09" W	120.22
435-436	S 55° 19' 12" W	74.48
436-437	S 45° 00' 00" W	86.62
437-438	S 15° 57' 35" W	68.65
438-439	S 16° 43' 14" E	98.41
439-440	S 19° 56' 04" E	55.18
440-441	S 08° 58' 07" E	90.61
441-442	DUE SOUTH	70.75
442-443	S 15° 38' 22" E	122.41
443-444	S 33° 45' 08" E	50.96
444-445	S 14° 32' 18" E	131.46
445-446	S 21° 25' 51" E	141.80
446-447	S 41° 47' 43" E	120.22
447-448	S 41° 23' 00" E	156.94
448-449	S 33° 40' 00" E	85.01
449-450	S 18° 25' 35" E	119.23
450-451	S 07° 07' 01" E	114.01
451-452	S 06° 06' 28" W	132.75
452-453	S 39° 49' 51" W	110.36
453-454	S 49° 58' 26" W	153.93
454-455	S 50° 31' 17" W	103.81
455-456	S 13° 28' 40" W	121.21
456-457	S 03° 16' 26" E	165.27
457-458	S 16° 52' 51" W	162.50
458-459	S 33° 38' 58" W	101.97
459-460	S 15° 41' 19" E	156.71
460-461	S 30° 23' 20" E	158.39
461-462	S 48° 33' 20" E	106.89
462-463	S 14° 57' 03" E	146.32
463-464	S 30° 22' 01" E	158.49
464-465	S 52° 36' 17" E	100.85
465-466	S 85° 03' 12" E	108.78
466-467	S 53° 06' 36" E	94.32
467-468	S 41° 11' 21" E	150.33
468-469	S 26° 33' 54" E	136.96
469-470	S 26° 33' 54" E	179.16
470-471	S 54° 11' 02" E	104.67
471-472	S 58° 34' 10" W	99.47
472-473	S 04° 22' 18" W	122.99
473-474	S 16° 52' 51" W	162.50
474-475	S 32° 53' 24" W	95.41
475-476	S 14° 32' 18" W	131.46
476-477	S 05° 11' 52" W	104.18
477-478	S 14° 32' 18" W	131.46
478-479	S 27° 21' 19" W	153.83
479-480	S 38° 15' 53" W	114.14
480-481	S 84° 24' 47" W	147.70
481-482	DUE NORTH	0.00
482-483	N 69° 27' 34" W	188.82

LAWS, RULES AND ISSUANCES FOR ENVIRONMENTAL CASES

483-484	N 44° 57' 35" W	62.54
484-485	N 18° 25' 06" W	69.83
485-486	N 23° 11' 37" W	112.20
486-487	N 63° 23' 09" W	32.93
487-488	N 74° 02' 11" W	214.52
488-489	N 82° 23' 34" W	111.42
489-490	N 25° 11' 58" W	138.42
490-491	N 36° 53' 22" W	147.23
491-492	N 09° 08' 54" W	176.11
492-493	N 26° 36' 14" W	78.99
493-494	N 63° 25' 05" W	79.04
494-495	N 33° 43' 16" W	63.72
495-496	N 19° 38' 14" W	175119
496-497	N 21° 44' 35" W	206.85
497-498	N 43° 32' 20" W	130.02
498-499	N 71° 33' 03" W	59.63
499-500	N 52° 36' 17" W	100.85
500-501	N 15° 57' 32" W	34.32
501-502	N 25° 11' 21" W	88.55
502-503	N 36° 48' 59" W	23.57
503-504	N 59° 44' 22" W	65.48
504-505	N 68° 12' 58" W	76.12
505-506	N 73° 44' 15" W	117.84
506-507	N 50° 55' 32" W	97.17
507-508	N 39° 42' 06" W	36.89
508-509	N 60° 23' 44" W	37.95
509-510	N 59° 37' 23" W	158.44
510-511	N 52° 07' 52" W	53.76
511-512	N 63° 26' 06" W	73.79
512-513	N 35° 31' 38" W	121.65
513-514	N 29° 35' 05" W	200.52
514-515	N 30° 56' 16" W	164.97
515-516	N 50° 31' 17" W	103.81
516-517	N 61° 42' 31" W	69.63
517-518	N 61° 46' 47" W	69.51
518-519	N 40° 01' 29" W	153.94
519-520	N 04° 05' 23" W	132.34
520-521	N 00° 55' 52" E	146.14
521-522	N 11° 17' 26" W	72.15
522-523	N 06° 21' 16" E	85.27
523-524	N 10° 37' 41" W	153.51
524-525	N 20° 33' 05" W	161.12
525-526	DUE NORTH	50.13
526-527	N 09° 09' 38" W	148.01
527-528	N 24° 14' 24" W	103.36
528-529	N 25° 11' 21" W	88.55
529-530	N 68° 10' 39" W	50.76
530-531	N 63° 26' 06" W	73.79
531-532	N 42° 00' 02" W	63.42

532-533	N 02° 44' 49" E	99.11
533-534	N 01° 53' 56" E	141.45
534-535	N 02° 28' 35" W	108.48
535-536	N 25° 13' 42" W	88.57
536-537	N 30° 15' 54" W	163.69
537-538	N 56° 11' 52" W	51.00
538-539	N 48° 26' 11" W	56.72
539-540	S 67° 52' 10" W	137.37
540-541	S 60° 00' 14" W	141.52
541-542	N 82° 48' 60" W	37.99
542-543	S 85° 06' 19" W	165.60
543-544	S 87° 51' 44" W	127.34
544-545	N 77° 39' 44" W	154.44
545-546	S 73° 18' 53" W	98.39
546-547	N 77° 13' 48" W	106.32
547-548	N 61° 42' 36" W	69.63
548-549	S 53° 31' 30" W	134.78
549-550	S 40° 15' 45" W	80.27
550-551	S 14° 01' 15" W	116.60
551-552	S 53° 06' 34" W	94.32
552-553	S 25° 22' 08" W	99.05
553-554	S 86° 57' 51" W	89.69
554-555	S 78° 15' 52" W	115.54
555-556	S 71° 32' 30" W	59.63
556-557	S 35° 18' 38" W	138.62
557-558	DUE WEST	106.00
558-559	S 87° 07' 00" W	94.43
559-560	N 58° 43' 54" W	154.36
560-561	N 10° 39' 32" W	76.70
561-562	N 19° 27' 43" E	84.98
562-563	N 31° 18' 43" W	127.00
563-564	N 64° 50' 36" W	88.52
564-565	N 44° 59' 12" W	193.35
565-566	N 13° 05' 35" E	208.03
566-567	N 18° 25' 32" E	134.26
567-568	N 31° 10' 10" E	236.80
568-569	N 38° 39' 02" E	120.68
569-570	N 38° 39' 02" W	120.68
570-571	N 02° 19' 03" E	174.64
571-572	N 30° 56' 19" E	54.95
572-573	N 45° 02' 45" E	59.97
573-574	N 51° 49' 50" E	83.95
574-575	N 43° 15' 08" E	110.00
575-576	N 54° 28' 11" E	81.10
576-577	N 30° 23' 27" E	158.38
577-578	N 07° 07' 29" E	76.09
578-579	N 42° 53' 30" E	90.08
579-580	N 49° 48' 20" E	80.18
580-581	N 17° 14' 26" E	143.18

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581–582	N 16° 41' 01" E	49.20
582–583	N 71° 34' 40" E	89.39
583–584	N 58° 59' 05" E	55.06
584–585	N 31° 16' 52" E	154.31
585–586	N 23° 28' 37" W	118.29
586–587	N 22° 23' 09" W	86.65
587–588	N 26° 34' 48" W	210.78
588–589	N 36° 51' 17" W	106.08
589–590	N 41° 58' 59" W	126.79
590–591	N 25° 34' 47" W	120.15
591–592	N 34° 04' 12" W	193.46
592–593	N 36° 14' 58" W	87.73
593–594	N 43° 39' 29" W	143.41
594–595	N 83° 14' 18" W	80.69
595–596	S 76° 44' 28" W	82.32
596–597	N 29° 02' 30" W	97.08
597–598	N 25° 11' 19" W	88.55
598–599	N 03° 41' 44" W	146.42
599–600	N 01° 46' 52" E	150.82
600–601	N 22° 12' 55" W	56.04
601–602	N 55° 41' 34" E	125.53
602–603	N 60° 17' 11" E	113.99
603–604	N 53° 43' 44" E	87.68
604–605	N 33° 40' 44" E	102.00
605–606	N 29° 43' 37" E	76.00
606–607	DUE NORTH	89.50
607–608	N 30° 57' 04" W	137.44
608–609	N 17° 43' 47" W	123.76
609–610	N 05° 12' 14" W	104.05
610–611	N 12° 15' 10" W	111.03
611–612	N 08° 09' 07" W	66.55
612–613	N 31° 33' 14" E	72.02
613–614	N 50° 14' 02" E	110.42
614–615	N 07° 07' 31" E	76.09
615–616	N 02° 59' 52" E	89.62
616–617	DUE NORTH	108.37
617–618	N 42° 51' 44" E	90.04
618–619	N 19° 17' 49" E	99.86
619–620	N 08° 48' 03" E	49.84
620–621	DUE NORTH	0.00
621–622	S 81° 05' 52" W	33.09
622–623	S 34° 12' 18" W	140.87
623–624	S 53° 56' 26" W	319.61
624–625	DUE NORTH	0.00
625–626	N 87° 39' 22" W	110.03
626–627	N 35° 05' 48" W	99.46
627–628	N 67° 26' 55" W	450.10
628–629	N 01° 12' 51" W	259.56
629–630	N 14° 54' 58" E	209.30

630-631	N 32° 58' 18" E	780.01
631-632	N 85° 49' 23" E	120.13
632-633	N 77° 17' 05" E	149.93
633-634	N 10° 06' 30" W	400.97
634-635	N 76° 12' 46" W	300.02
635-636	N 68° 56' 07" W	370.04
636-637	N 06° 00' 33" E	179.10
637-638	S 79° 04' 04" E	290.01
638-639	N 17° 52' 18" E	279.62
639-640	N 10° 59' 42" E	599.37
640-641	DUE NORTH	470.63
641-642	N 67° 06' 02" E	252.86
642-643	DUE NORTH	0.00
643-644	N 01° 58' 30" E	7.25
644-645	N 47° 20' 22" E	83.38
645-646	N 87° 00' 08" E	31.17
646-647	N 30° 54' 01" E	278.09
647-648	S 61° 05' 28" E	250.03
648-649	S 21° 56' 24" W	100.53
649-650	DUE NORTH	0.00
650-651	S 78° 34' 41" E	12.63
651-652	N 86° 04' 00" E	123.92
652-653	DUE NORTH	0.00
653-654	N 53° 00' 11" E	90.15
654-655	S 85° 58' 14" E	49.81
655-656	DUE NORTH	0.00
656-657	N 66° 02' 15" E	4.92
657-658	N 40° 50' 18" E	136.96
658-659	N 28° 27' 21" E	128.68
659-660	N 54° 46' 21" E	147.13
660-661	N 85° 23' 23" E	118.19
661-662	DUE EAST	103.69
662-663	S 75° 03' 12" E	73.16
663-664	S 87° 22' 43" E	103.86
664-665	N 72° 36' 03" E	78.99
665-666	N 33° 43' 10" E	101.89
666-667	N 69° 07' 39" E	105.95
667-668	N 49° 54' 51" E	117.06
668-669	N 23° 36' 34" E	82.40
669-670	N 03° 20' 55" E	80.26
670-671	N 06° 21' 42" E	128.04
671-672	N 26° 33' 54" E	105.37
672-673	N 57° 23' 16" E	139.86
673-674	N 52° 40' 12" E	124.50
674-675	N 31° 15' 29" E	154.42
675-676	N 53° 10' 04" E	94.25
676-677	N 32° 11' 50" E	150.37
677-678	N 09° 59' 54" E	81.36
678-679	N 31° 55' 30" E	11.35

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679–680	DUE NORTH	0.00
680–681	S 73° 45' 34" W	73.30
681–682	S 73° 08' 49" W	182.40
682–683	S 63° 05' 14" W	266.49
683–684	S 71° 59' 02" W	252.69
684–685	S 83° 53' 24" W	70.46
685–686	DUE WEST	78.63
686–687	N 70° 34' 16" W	82.31
687–688	N 52° 36' 22" W	48.77
688–689	N 79° 49' 39" W	58.04
689–690	S 69° 39' 18" W	78.72
690–691	S 54° 24' 57" W	86.15
691–692	S 10° 00' 22" W	65.11
692–693	S 24° 12' 24" E	81.55
693–694	S 30° 03' 23" E	94.59
694–695	S 03° 22' 11" W	73.38
695–696	S 36° 18' 06" W	48.24
696–697	S 26° 33' 54" W	4.75
697–698	S 45° 55' 05" W	93.79
698–699	S 48° 49' 43" W	211.15
699–700	S 56° 35' 00" W	87.16
700–701	S 44° 05' 54" W	165.70
701–702	S 48° 37' 89" W	77.54
702–703	N 55° 31' 40" W	335.24
703–704	S 68° 47' 37" W	67.04
704–705	S 78° 55' 06" W	81.27
705–706	S 60° 11' 43" W	78.22
706–707	S 73° 48' 36" W	71.26
707–708	N 41° 18' 51" W	230.99
708–709	N 00° 19' 06" W	292.50
709–710	N 20° 05' 43" W	21.83
710–711	N 01° 18' 37" W	1107.04
711–712	N 01° 53' 34" W	522.28
712–713	N 03° 25' 23" W	189.46
713–714	N 01° 32' 08" W	221.58
714–715	N 02° 11' 18" W	268.45
715–716	N 06° 05' 40" W	96.55
716–717	N 02° 27' 37" W	361.08
717–718		0.00
718–719	N 81° 24' 01" W	42.67
719–720	N 42° 31' 06" W	81.57
720–721	N 23° 37' 59" W	87.47
721–722	N 13° 59' 45" W	41.35
722–723	N 20° 33' 52" W	85.58
723–724	DUE NORTH	115.25
724–725	N 10° 12' 48" W	127.27
725–726	N 42° 39' 00" W	88.73
726–727	N 18° 27' 14" W	63.38
727–728	N 07° 09' 26" E	80.76

728-729	N 11° 17' 32" E	76.60
729-730	N 37° 50' 41" E	57.15
730-731	N 61° 54' 56" E	85.22
731-732	N 53° 43' 38" E	93.18
732-733	N 49° 55' 05" E	31.45
733-734	DUE NORTH	0.00
734-735	N 02° 27' 27" W	3288.52
735-736	N 02° 31' 54" W	462.70
736-737	N 02° 33' 20" W	339.21
737-738	N 06° 57' 11" E	30.98
738-739	N 03° 43' 53" E	17.29
739-740	N 20° 58' 33" E	12.05
740-741	N 08° 47' 37" E	45.79
741-742	N 17° 54' 04" E	19.32
742-743	N 48° 59' 39" E	5.72
743-744	N 11° 20' 26" E	21.93
744-745	N 00° 53' 56" E	31.87
745-746	N 14° 11' 15" E	46.16
746-747	N 06° 38' 28" W	9.19
747-748	N 03° 57' 11" E	30.82
748-749	N 16° 53' 12" W	7.32
749-750	N 02° 28' 24" W	37.66
750-751	N 14° 02' 10" E	6.70
751-752	DUE NORTH	5.88
752-753	N 13° 32' 09" E	13.89
753-754	N 20° 19' 42" E	29.33
754-755	N 56° 52' 60" E	3.88
755-756	DUE NORTH	2.75
756-757	N 42° 13' 38" E	45.75
757-758	N 17° 46' 59" E	5.11
758-759	N 56° 45' 35" E	3.89
759-760	N 34° 19' 49" E	12.41
760-761	N 13° 40' 18" E	4.50
761-762	N 51° 01' 09" E	4.18
762-763	N 17° 35' 33" E	10.75
763-764	N 29° 58' 54" E	7.50
764-765	N 07° 23' 38" E	46.13
765-766	N 17° 39' 35" E	40.79
766-767	N 42° 45' 49" E	8.01
767-768	N 30° 33' 50" E	20.03
768-769	N 55° 25' 27" E	1.97
769-770	N 25° 25' 50" E	45.27
770-771	N 45° 04' 03" E	3.00
771-772	DUE NORTH	3.25
772-773	N 35° 42' 13" E	7.39
773-774	N 08° 38' 05" E	7.08
774-775	N 37° 20' 25" E	2.68
775-776	N 13° 32' 09" E	13.89
776-777	N 28° 28' 14" E	13.50

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777-778	DUE NORTH	5.38
778-779	N 31° 21' 26" E	9.37
779-780	N 12° 18' 47" E	4.98
780-781	N 25° 34' 11" E	16.22
781-782	N 38° 45' 35" E	12.98
782-783	N 27° 49' 54" E	53.01
783-784	N 21° 41' 04" E	5.92
784-785	DUE NORTH	2.62
785-786	N 24° 07' 32" E	17.13
786-787	N 30° 07' 33" E	34.25
787-788	N 20° 01' 36" E	6.39
788-789	N 64° 47' 56" E	2.35
789-790	N 34° 51' 33" E	32.15
790-791	N 55° 30' 28" E	12.36
791-792	N 26° 33' 54" E	2.52
792-793	N 36° 22' 57" E	2.63
793-794	N 56° 18' 36" E	36.96
794-795	N 70° 16' 00" E	6.31
795-796	N 40° 21' 36" E	4.92
796-797	N 64° 47' 33" E	19.07
797-798	N 45° 00' 00" E	4.60
798-799	N 65° 07' 11" E	19.01
799-800	N 53° 20' 44" E	10.05
800-801	DUE EAST	2.19
801-802	N 45° 25' 18" E	6.06
802-803	N 68° 50' 01" E	12.13
803-804	N 33° 16' 18" E	1.94
804-805	N 63° 24' 49" E	12.02
805-806	N 47° 54' 56" E	8.76
806-807	N 66° 39' 27" E	16.40
807-808	N 51° 01' 09" E	4.18
808-809	N 73° 22' 15" E	3.91
809-810	N 52° 43' 12" E	45.40
810-811	N 60° 11' 26" E	17.36
811-812	N 47° 49' 19" E	7.25
812-813	DUE EAST	1.63
813-814	N 45° 24' 54" E	6.05
814-815	N 56° 48' 30" E	35.40
815-816	N 80° 45' 52" E	3.86
816-817	N 56° 37' 50" E	11.60
817-818	N 73° 10' 43" E	11.23
818-819	N 53° 29' 01" E	2.72
819-820	N 75° 18' 55" E	4.46
820-821	N 55° 04' 54" E	11.13
821-822	DUE EAST	2.69
822-823	N 70° 32' 48" E	60.05
823-824	N 52° 27' 19" E	8.83
824-825	N 73° 09' 02" E	7.31
825-826	N 63° 21' 52" E	22.86

826-827	N 57° 39' 31" E	19.16
827-828	DUE EAST	5.38
828-829	N 65° 08' 48" E	6.54
829-830	N 83° 03' 30" E	44.51
830-831	S 79° 18' 11" E	23.60
831-832	S 61° 49' 17" E	7.94
832-833	S 80° 16' 44" E	12.56
833-834	S 72° 44' 21" E	38.35
834-835	S 81° 04' 31" E	13.67
835-836	N 81° 24' 15" E	21.74
836-837	DUE EAST	12.44
837-838	N 60° 31' 09" E	4.31
838-839	N 79° 38' 01" E	20.84
839-840	N 44° 26' 21" E	4.55
840-841	DUE EAST	1.63
841-842	N 33° 39' 47" E	5.86
842-843	N 51° 37' 55" E	19.93
843-844	N 38° 55' 00" E	14.63
844-845	N 31° 45' 15" E	26.60
845-846	N 16° 53' 12" E	7.32
846-847	N 31° 04' 14" E	15.62
847-848	N 43° 18' 01" E	13.40
848-849	N 49° 39' 11" E	19.11
849-850	DUE EAST	1.63
850-851	N 38° 43' 06" E	6.90
851-852	N 70° 38' 14" E	3.38
852-853	N 50° 04' 08" E	34.48
853-854	S 15° 18' 27" E	4.02
854-855	N 37° 43' 06" E	15.02
855-856	N 13° 39' 33" E	4.50
856-857	N 45° 16' 52" E	8.36
857-858	DUE NORTH	5.37
858-859	N 61° 59' 51" E	2.41
859-860	N 22° 03' 53" E	2.83
860-861	N 55° 18' 17" E	3.95
861-862	N 25° 37' 28" E	13.73
862-863	N 49° 05' 08" E	4.96
863-864	N 33° 43' 02" E	5.85
864-865	N 43° 10' 27" E	36.17
865-866	DUE EAST	1.63
866-867	N 43° 13' 57" E	22.81
867-868	N 61° 00' 04" E	8.00
868-869	N 50° 26' 39" E	20.99
869-870	DUE EAST	2.19
870-871	N 56° 40' 25" E	10.92
871-872	N 26° 30' 02" E	2.38
872-873	N 55° 20' 09" E	44.61
873-874	N 62° 11' 03" E	33.50
874-875	S 62° 26' 40" E	4.86

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875-876	N 16° 53' 12" E	7.32
876-877	N 28° 25' 15" E	29.42
877-878	N 34° 06' 58" E	18.28
878-879	N 22° 59' 02" E	15.21
879-880	N 07° 13' 40" E	34.27
880-881	N 31° 37' 59" W	8.22
881-882	DUE NORTH	3.12
882-883	N 53° 35' 12" W	7.38
883-884	N 22° 03' 53" W	2.83
884-885	N 53° 13' 22" W	15.45
885-886	N 75° 18' 16" W	3.94
886-887	N 25° 16' 02" W	2.49
887-888	N 59° 47' 12" W	6.22
888-889	N 41° 46' 30" W	27.49
889-890	N 31° 20' 18" W	11.42
890-891	N 42° 24' 46" W	8.80
891-892	DUE NORTH	2.12
892-893	N 39° 43' 51" W	37.06
893-894	N 19° 21' 32" W	9.80
894-895	N 07° 33' 42" E	8.07
895-896	N 26° 08' 49" E	30.63
896-897	N 39° 27' 39" E	39.83
897-898	N 05° 23' 52" E	11.30
898-899	N 04° 14' 42" E	28.71
899-900	N 34° 22' 49" E	5.76
900-901	N 00° 00' 00" E	4.37
901-902	N 37° 41' 39" E	3.48
902-903	DUE NORTH	3.13
903-904	N 35° 22' 37" E	6.59
904-905	N 21° 06' 56" E	2.95
905-906	N 13° 06' 08" E	9.37
906-907	N 25° 38' 33" E	13.72
907-908	N 07° 59' 42" W	15.28
908-909	N 42° 24' 46" W	8.80
909-910	N 20° 05' 43" W	10.91
910-911	N 72° 53' 50" W	3.40
911-912	N 15° 20' 43" W	4.01
912-913	N 63° 43' 02" W	4.81
913-914	N 16° 50' 10" W	5.61
914-915	N 41° 27' 50" W	6.51
915-916	N 61° 18' 26" W	6.77
916-917	N 35° 17' 55" W	1.84
917-918	N 62° 26' 60" W	4.86
918-919	N 46° 53' 16" W	36.21
919-920	N 78° 13' 46" W	5.49
920-921	N 54° 57' 24" W	4.58
921-922	N 26° 35' 47" W	4.89
922-923	N 51° 02' 39" W	7.56
923-924	N 17° 35' 33" W	10.75

924-925	N 62° 40' 30" W	2.46
925-926	DUE NORTH	3.25
926-927	N 39° 35' 36" W	4.22
927-928	DUE NORTH	1.62
928-929	N 45° 24' 54" W	6.05
929-930	N 18° 06' 42" W	3.42
930-931	N 53° 44' 46" W	4.65
931-932	N 23° 03' 28" W	11.01
932-933	N 15° 07' 20" W	35.22
933-934	N 25° 18' 18" W	10.09
934-935	N 25° 12' 48" W	21.42
935-936	N 40° 58' 37" W	32.12
936-937	N 30° 41' 18" W	6.24
937-938	N 48° 43' 54" W	10.81
938-939	N 31° 44' 59" W	29.69
939-940	N 13° 06' 58" W	9.36
940-941	N 27° 24' 27" W	15.21
941-942	N 10° 02' 48" W	6.09
942-943	N 41° 53' 25" W	5.71
943-944	N 29° 56' 20" W	16.16
944-945	N 45° 00' 00" W	9.19
945-946	N 32° 45' 38" W	10.86
946-947	N 45° 09' 17" W	17.54
947-948	DUE NORTH	1.63
948-949	N 62° 12' 29" W	2.40
949-950	DUE NORTH	3.25
950-951	N 38° 17' 25" W	6.05
951-952	DUE NORTH	2.25
952-953	N 65° 26' 16" W	2.41
953-954	N 09° 41' 20" W	41.59
954-955	N 10° 14' 51" E	5.98
955-956	N 41° 17' 43" E	12.31
956-957	N 09° 11' 01" E	16.84
957-958	DUE NORTH	0.00
958-959	N 01° 36' 35" W	20.01
959-960	N 64° 47' 56" W	2.35
960-961	N 06° 56' 04" W	9.32
961-962	N 24° 25' 48" W	19.50
962-963	N 65° 25' 40" W	2.40
963-964	N 24° 31' 29" W	21.98
964-965	DUE NORTH	7.50
965-966	N 38° 30' 25" W	3.51
966-967	N 10° 01' 22" E	12.57
967-968	N 45° 04' 03" E	3.00
968-969	N 06° 56' 04" E	9.32
969-970	N 02° 15' 38" W	28.52
970-971	N 16° 18' 03" W	19.15
971-972	N 21° 35' 49" W	16.13
972-973	N 07° 01' 25" W	8.69

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973–974	N 36° 08' 37" W	10.07
974–975	DUE NORTH	2.12
975–976	N 36° 11' 36" W	12.70
976–977	N 66° 50' 55" W	4.15
977–978	N 41° 28' 48" W	12.17
978–979	N 55° 42' 26" W	20.20
979–980	N 45° 26' 39" W	11.40
980–981	DUE WEST	3.19
981–982	N 51° 26' 09" W	13.83
982–983	N 46° 41' 32" W	11.85
983–984	N 55° 30' 28" W	12.36
984–985	N 32° 59' 59" W	7.00
985–986	N 70° 49' 40" W	3.44
986–987	N 37° 52' 13" W	24.54
987–988	DUE NORTH	4.38
988–989	N 29° 32' 20" W	4.31
989–990	N 11° 45' 13" W	15.95
990–991	N 03° 08' 20" E	38.81
991–992	N 15° 17' 60" E	12.32
992–993	N 41° 52' 22" E	13.77
993–994	DUE NORTH	2.12
994–995	N 44° 59' 18" E	17.50
995–996	N 59° 02' 10" E	4.37
996–997	N 39° 51' 10" E	3.41
997–998	N 55° 58' 14" E	5.81
998–999	DUE NORTH	2.13
999–1000	N 31° 16' 59" E	17.69
1000–1001	N 46° 41' 54" E	13.31
1001–1002	N 03° 31' 35" E	9.14
1002–1003	N 26° 07' 34" E	7.24
1003–1004	N 04° 22' 06" E	28.71
1004–1005	N 02° 59' 04" W	20.40
1005–1006	N 21° 33' 47" W	25.00
1006–1007	N 47° 49' 04" W	8.01
1007–1008	N 41° 28' 28" W	18.69
1008–1009	N 26° 33' 54" W	4.75
1009–1010	N 62° 53' 34" W	2.46
1010–1011	N 36° 16' 00" W	42.79
1011–1012	N 24° 54' 17" W	7.12
1012–1013	N 48° 33' 17" W	6.42
1013–1014	N 36° 18' 52" W	15.51
1014–1015	N 63° 21' 52" W	3.64
1015–1016	N 18° 48' 51" W	3.30
1016–1017	N 57° 57' 55" W	8.26
1017–1018	N 41° 28' 28" W	18.69
1018–1019	N 49° 33' 00" W	5.01
1019–1020	DUE NORTH	2.12
1020–1021	N 47° 45' 49" W	7.26
1021–1022	N 16° 30' 28" W	24.64

1022 – 1023	N 07° 13' 32" E	17.39
1023 – 1024	N 32° 49' 25" E	14.87
1024 – 1025	N 66° 06' 27" E	6.49
1025 – 1026	S 83° 40' 15" E	10.25
1026 – 1027	N 62° 40' 30" E	2.46
1027 – 1028	S 78° 34' 16" E	8.23
1028 – 1029	N 69° 04' 48" E	19.60
1029 – 1030	N 40° 54' 52" E	4.96
1030 – 1031	N 67° 11' 56" E	2.92
1031 – 1032	N 52° 59' 39" E	5.40
1032 – 1033	N 40° 45' 49" E	10.72
1033 – 1034	N 20° 21' 60" E	26.40
1034 – 1035	N 47° 45' 49" E	7.26
1035 – 1036	N 33° 11' 08" E	29.57
1036 – 1037	N 50° 01' 04" E	9.14
1037 – 1038	N 73° 18' 03" E	7.83
1038 – 1039	N 52° 25' 53" E	6.15
1039 – 1040	N 83° 44' 22" E	29.80
1040 – 1041	S 70° 31' 13" E	9.75
1041 – 1042	S 40° 38' 12" E	15.64
1042 – 1043	DUE EAST	2.19
1043 – 1044	S 44° 55' 58" E	3.01
1044 – 1045	DUE EAST	2.75
1045 – 1046	S 54° 46' 41" E	3.90
1046 – 1047	S 16° 33' 54" E	15.13
1047 – 1048	S 09° 30' 14" E	29.53
1048 – 1049	DUE SOUTH	15.63
1049 – 1050	S 15° 29' 41" W	26.20
1050 – 1051	S 44° 11' 59" W	3.14
1051 – 1052	DUE SOUTH	8.00
1052 – 1053	S 17° 07' 20" W	16.34
1053 – 1054	S 06° 15' 49" W	10.31
1054 – 1055	S 07° 52' 42" E	8.21
1055 – 1056	S 31° 53' 27" E	13.25
1056 – 1057	S 73° 44' 05" E	2.21
1057 – 1058	S 12° 09' 25" E	23.15
1058 – 1059	S 45° 04' 03" E	3.00
1059 – 1060	S 11° 23' 31" E	16.45
1060 – 1061	S 36° 52' 08" E	21.56
1061 – 1062	S 80° 35' 32" E	26.73
1062 – 1063	N 83° 03' 00" E	9.26
1063 – 1064	S 87° 09' 58" E	22.65
1064 – 1065	S 77° 37' 40" E	1.9.84
1065 – 1066	S 59° 39' 24" E	11.88
1066 – 1067	S 80° 26' 21" E	6.02
1067 – 1068	S 52° 30' 26" E	11.50
1068 – 1069	S 22° 49' 13" E	11.12
1069 – 1070	S 45° 45' 23" E	3.05
1070 – 1071	S 25° 17' 17" E	2.49

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1071–1072	S 11° 29' 58" E	10.97
1072–1073	S 07° 01' 56" W	9.19
1073–1074	S 20° 20' 21" W	15.46
1074–1075	S 49° 05' 08" W	4.96
1075–1076	DUE WEST	2.19
1076–1077	S 49° 23' 55" W	9.22
1077–1078	S 74° 02' 27" W	19.57
1078–1079	S 84° 08' 38" W	4.90
1079–1080	S 26° 36' 30" W	2.37
1080–1081	S 75° 43' 08" W	28.38
1081–1082	S 60° 24' 45" W	15.45
1082–1083	DUE SOUTH	2.12
1083–1084	S 43° 35' 49" W	16.40
1084–1085	S 25° 29' 01" W	8.86
1085–1086	S 09° 38' 53" W	12.68
1086–1087	S 04° 11' 34" E	14.54
1087–1088	S 15° 57' 07" E	11.83
1088–1089	S 45° 00' 00" E	5.30
1089–1090	S 14° 01' 48" E	4.38
1090–1091	S 85° 51' 49" E	15.67
1091–1092	N 61° 56' 15" E	18.34
1092–1093	N 45° 45' 23" E	30.10
1093–1094	N 61° 32' 35" E	9.17
1094–1095	N 26° 30' 02" E	2.38
1095–1096	N 59° 55' 41" E	23.69
1096–1097	N 63° 31' 51" E	16.83
1097–1098	DUE EAST	12.44
1098–1099	S 87° 02' 44" E	19.40
1099–1100	S 64° 56' 41" E	5.31
1100–1101	S 13° 29' 06" E	9.38
1101–1102	DUE EAST	2.13
1102–1103	S 02° 10' 28" E	29.65
1103–1104	S 12° 18' 47" E	4.98
1104–1105	S 39° 34' 58" E	4.22
1105–1106	S 19° 35' 39" E	9.69
1106–1107	S 75° 26' 35" E	4.46
1107–1108	S 32° 18' 09" E	5.03
1108–1109	S 73° 07' 47" E	5.62
1109–1110	S 78° 25' 37" E	37.39
1110–1111	S 73° 20' 49" E	13.50
1111–1112	S 88° 27' 35" E	37.20
1112–1113	N 74° 01' 17" E	21.32
1113–1114	N 61° 38' 34" E	17.12
1114–1115	N 36° 32' 02" E	59.74
1115–1116	S 14° 51' 48" W	14.62
1116–1117	N 27° 29' 21" E	10.43
1117–1118	N 08° 37' 36" E	7.08
1118–1119	N 53° 00' 02" E	5.40
1119–1120	N 11° 28' 55" E	8.16

1120-1121	N 26°33' 21" E	16.91
1121-1122	N 51°44' 15" E	3.42
1122-1123	N 13°37' 45" E	4.51
1123-1124	N 48°59' 39" E	5.72
1124-1125	N 23°25' 43" E	8.17
1125-1126	N 49°17' 21" E	14.18
1126-1127	DUE NORTH	2.12
1127-1128	N 55°24' 19" E	6.60
1128-1129	DUE NORTH	2.13
1129-1130	N 56°22' 35" E	3.83
1130-1131	N 36°09' 29" E	20.13
1131-1132	N 51°39' 60" E	6.85
1132-1133	N 21°06' 56" E	2.95
1133-1134	N 47°39' 11" E	9.47
1134-1135	N 38°19' 12" E	29.63
1135-1136	N 53°00' 02" E	5.40
1136-1137	N 17°46' 59" E	5.11
1137-1138	N 41°07' 47" E	39.34
1138-1139	DUE NORTH	2.12
1139-1140	N 35°37' 47" E	13.84
1140-1141	N 23°29' 20" E	17.72
1141-1142	N 29°04' 37" E	16.59
1142-1143	N 12°16' 39" E	4.99
1143-1144	N 07°13' 44" E	17.39
1144-1145	N 45°04' 03" E	3.00
1145-1146	N 04°49' 49" E	25.97
1146-1147	N 15°29' 41" E	26.20
1147-1148	N 13°18' 04" E	11.68
1148-1149	N 16°53' 12" E	7.32
1149-1150	N 62°40' 30" E	2.46
1150-1151	N 26°37' 48" E	2.37
1151-1152	DUE NORTH	1.63
1152-1153	N 43°01' 30" E	10.26
1153-1154	N 75°26' 23" E	4.46
1154-1155	N 24°34' 02" E	6.47
1155-1156	DUE EAST	21.56
1156-1157	N 41°31' 44" E	6.51
1157-1158	N 58°20' 57" E	16.45
1158-1159	N 23° 34' 32" E	36.41
1159-1160	N 06° 33' 28" E	9.19
1160-1161	N 02° 58' 06" W	20.53
1161-1162	N 02° 18' 30" E	26.39
1162-1163	N 12° 49' 28" E	31.54
1163-1164	N 18° 12' 56" E	46.58
1164-1165	N 05° 33' 13" E	49.73
1165-1166	N 13° 49' 59" W	8.89
1166-1167	N 24° 47' 19" W	8.94
1167-1168	N 47° 12' 05" W	10.31
1168-1169	N 18° 05' 45" W	3.42

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1169–1170	N 51° 29' 33" W	20.69
1170–1171	N 34° 55' 39" W	6.55
1171–1172	N 50° 30' 22" W	16.12
1172–1173	N 40° 36' 56" W	15.65
1173–1174	N 22° 29' 47" W	26.79
1174–1175	DUE EAST	16.25
1175–1176	N 11° 51' 31" E	10.34
1176–1177	N 24° 07' 32" E	17.13
1177–1178	N 69° 24' 48" E	4.61
1178–1179	N 14° 24' 18" E	4.52
1179–1180	N 55° 45' 50" E	18.22
1180–1181	DUE EAST	3.25
1181–1182	N 37° 28' 14" E	2.67
1182–1183	N 79° 13' 21" E	8.72
1183–1184	N 56° 03' 06" E	22.15
1184–1185	N 73° 13' 51" E	3.92
1185–1186	N 43° 23' 11" E	25.11
1186–1187	DUE EAST	2.13
1187–1188	N 47° 30' 04" E	18.31
1188–1189	N 65° 04' 25" E	16.61
1189–1190	S 81° 43' 03" E	14.72
1190–1191	S 59° 43' 24" E	25.55
1191–1192	S 80° 59' 29" E	20.76
1192–1193	N 69° 38' 59" E	55.73
1193–1194	N 56° 32' 18" E	9.74
1194–1195	N 43° 22' 43" E	26.66
1195–1196	N 32° 09' 49" E	34.40
1196–1197	N 17° 21' 40" E	48.59
1197–1198	N 10° 50' 58" E	5.98
1198–1199	N 55° 11' 09" E	1.98
1199–1200	N 30° 30' 37" E	48.75
1200–1201	N 57° 28' 41" E	5.12
1201–1202	N 05° 58' 28" E	5.40
1202–1203	N 30° 52' 37" E	28.25
1203–1204	N 17° 07' 08" W	27.60
1204–1205	N 15° 46' 05" W	14.03
1205–1206	N 03° 41' 56" E	32.94
1206–1207	N 10° 09' 21" E	15.24
1207–1208	N 21° 48' 05" E	17.50
1208–1209	N 40° 39' 20" E	4.13
1209–1210	DUE NORTH	2.25
1210–1211	N 64° 47' 56" E	2.35
1211–1212	N 15° 48' 44" E	3.90
1212–1213	N 39° 54' 59" E	8.47
1213–1214	DUE NORTH	2.12
1214–1215	N 36° 32' 17" E	13.54
1215–1216	N 60° 31' 09" E	4.31
1216–1217	N 18° 06' 42" E	3.42
1217–1218	N 48° 08' 23" E	20.98

1218–1219	N 58° 36' 35" E	25.92
1219–1220	N 52° 07' 56" E	9.58
1220–1221	N 61° 49' 17" E	15.88
1221–1222	DUE EAST	5.94
1222–1223	N 74° 39' 27" E	18.41
1223–1224	N 84° 33' 51" E	11.93
1224–1225	N 60° 12' 03" E	11.81
1225–1226	N 70° 23' 45" E	9.69
1226–1227	N 64° 01' 28" E	18.56
1227–1228	N 73° 09' 02" E	7.31
1228–1229	N 59° 28' 49" E	38.16
1229–1230	N 48° 38' 39" E	24.40
1230–1231	N 30° 04' 56" E	23.69
1231–1232	N 61° 59' 51" E	2.41
1232–1233	DUE NORTH	3.25
1233–1234	N 44° 04' 15" E	16.35
1234–1235	N 22° 40' 50" E	18.15
1235–1236	N 13° 06' 58" E	9.36
1236–1237	N 39° 57' 02" E	5.06
1237–1238	N 13° 25' 59" E	11.57
1238–1239	N 33° 33' 57" E	7.80
1239–1240	N 22° 40' 02" E	13.95
1240–1241	N 13° 44' 21" E	29.47
1241–1242	N 02° 08' 03" E	28.52
1242–1243	N 15° 53' 05" W	23.52
1243–1244	N 40° 34' 08" W	5.77
1244–1245	N 24° 58' 52" W	24.27
1245–1246	N 44° 56' 03" W	35.13
1246–1247	N 61° 20' 28" W	5.48
1247–1248	N 47° 33' 09" W	24.82
1248–1249	N 23° 14' 17" W	2.85
1249–1250	N 61° 59' 51" W	2.41
1250–1251	N 33° 16' 24" W	18.68
1251–1252	N 45° 16' 35" W	8.36
1252–1253	DUE NORTH	2.25
1253–1254	N 41° 11' 09" W	10.63
1254–1255	N 13° 40' 18" W	4.50
1255–1256	N 33° 53' 46" W	9.64
1256–1257	N 19° 02' 06" W	14.95
1257–1258	N 10° 44' 56" W	17.43
1258–1259	N 22° 40' 12" W	8.27
1259–1260	DUE WEST	1.63
1260–1261	DUE NORTH	2.62
1261–1262	N 33° 15' 23" W	18.69
1262–1263	N 62° 12' 29" W	2.40
1263–1264	N 04° 15' 09" W	15.17
1264–1265	N 22° 06' 34" E	8.63
1265–1266	N 50° 19' 36" E	11.94
1266–1267	DUE EAST	3.75

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1267–1268	N 55° 50' 25" E	8.46
1268–1269	N 76° 24' 14" E	13.83
1269–1270	S 82° 01' 16" E	15.27
1270–1271	N 80° 16' 44" E	12.56
1271–1272	S 85° 06' 59" E	24.90
1272–1273	DUE EAST	19.38
1273–1274	N 81° 59' 19" E	15.21
1274–1275	N 59° 16' 52" E	20.07
1275–1276	DUE EAST	3.25
1276–1277	N 62° 01' 24" E	10.40
1277–1278	N 80° 28' 40" E	19.65
1278–1279	S 83° 42' 32" E	10.31
1279–1280	S 61° 19' 58" E	25.79
1280–1281	S 81° 45' 15" E	63.66
1281–1282	S 76° 04' 31" E	15.58
1282–1283	S 80° 07' 52" E	6.53
1283–1284	DUE EAST	2.19
1284–1285	S 47° 07' 16" E	9.55
1285–1286	S 71° 10' 38" E	18.22
1286–1287	S 62° 08' 43" E	31.03
1287–1288	S 84° 33' 05" E	6.53
1288–1289	DUE SOUTH	2.13
1289–1290	S 62° 07' 11" E	21.92
1290–1291	S 70° 31' 06" E	9.74
1291–1292	S 84° 23' 39" E	10.24
1292–1293	S 75° 43' 46" E	11.16
1293–1294	S 45° 04' 03" E	3.00
1294–1295	S 88° 17' 08" E	37.77
1295–1296	S 75° 16' 43" E	21.13
1296–1297	S 62° 32' 04" E	12.75
1297–1298	S 24° 50' 33" E	16.66
1298–1299	DUE EAST	3.25
1299–1300	S 26° 31' 19" E	2.38
1300–1301	S 60° 55' 12" E	4.36
1301–1302	DUE SOUTH	18.38
1302–1303	S 06° 23' 50" W	34.21
1303–1304	S 33° 52' 04" W	5.72
1304–1305	S 62° 52' 56" W	2.46
1305–1306	DUE SOUTH	2.13
1306–1307	S 32° 41' 54" W	10.99
1307–1308	00	2.12
1308–1309	S 44° 35' 53" W	6.85
1309–1310	S 14° 02' 33" W	4.38
1310–1311	DUE WEST	2.19
1311–1312	S 41° 41' 12" W	25.94
1312–1313	S 22° 58' 49" E	15.21
1313–1314	S 53° 00' 02" E	5.40
1314–1315	S 18° 25' 02" E	5.14
1315–1316	N 82° 43' 54" E	21.74

1316-1317	N 86° 23' 14" E	67.45
1317-1318	S 85° 54' 25" E	29.70
1318-1319	S 45° 45' 23" E	3.05
1319-1320	S 08° 38' 05" E	7.08
1320-1321	S 44° 11' 11" E	3.14
1321-1322	S 02° 41' 48" E	34.54
1322-1323	S 45° 04' 03" E	3.00
1323-1324	DUE SOUTH	12.38
1324-1325	S 13° 55' 45" W	15.58
1325-1326	S 35° 32' 48" W	25.05
1326-1327	S 28° 36' 27" E	59.65
1327-1328	S 17° 15' 26" E	49.09
1328-1329	S 12° 36' 10" E	4.87
1329-1330	S 24° 54' 17" W	7.72
1330-1331	S 70° 59' 07" W	3.44
1331-1332	DUE SOUTH	2.13
1332-1333	S 31° 35' 11" W	5.13
1333-1334	S 76° 56' 46" W	4.43
1334-1335	S 48° 59' 15" W	5.71
1335-1336	S 57° 57' 55" W	8.26
1336-1337	S 40° 22' 08" W	4.92
1337-1338	DUE WEST	1.63
1338-1339	S 33° 56' 15" W	3.92
1339-1340	S 55° 57' 43" W	22.10
1340-1341	S 47° 12' 37" W	10.30
1341-1342	S 61° 02' 56" W	6.71
1342-1343	S 74° 39' 01" W	6.16
1343-1344	S 53° 16' 37" W	24.25
1344-1345	DUE SOUTH	2.25
1345-1346	S 73° 09' 02" W	7.31
1346-1347	S 22° 00' 28" W	2.84
1347-1348	S 03° 18' 53" E	64.86
1348-1349	S 19° 54' 03" W	6.24
1349-1350	S 01° 34' 13" W	20.51
1350-1351	S 21° 45' 31" W	17.37
1351-1352	S 13° 20' 22" W	34.94
1352-1353	DUE SOUTH	7.00
1353-1354	S 18° 31' 37" W	13.57
1354-1355	S 32° 07' 22" W	5.17
1355-1356	S 21° 43' 16" W	8.61
1356-1357	S 36° 36' 13" W	15.41
1357-1358	S 44° 42' 44" W	17.59
1358-1359	S 24° 44' 50" W	14.18
1359-1360	S 14° 43' 15" W	12.79
1360-1361	S 31° 37' 59" E	8.22
1361-1362	S 51° 36' 23" E	3.43
1362-1363	S 28° 53' 24" E	23.41
1363-1364	S 42° 02' 04" E	15.31
1364-1365	S 33° 30' 10" E	26.38

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1365 – 1366	S 09° 12' 07" E	13.68
1366 – 1367	S 31° 32' 15" E	5.14
1367 – 1368	DUE SOUTH	1.62
1368 – 1369	S 44° 58' 24" E	7.60
1369 – 1370	DUE WEST	2.12
1370 – 1371	S 79° 46' 41" E	12.00
1371 – 1372	N 70° 31' 13" E	9.75
1372 – 1373	N 45° 15' 17" E	9.06
1373 – 1374	DUE EAST	2.19
1374 – 1375	N 49° 42' 25" E	18.35
1375 – 1376	DUE EAST	2.19
1376 – 1377	N 38° 44' 20" E	21.47
1377 – 1378	N 61° 39' 13" E	5.54
1378 – 1379	N 25° 55' 56" E	4.86
1379 – 1380	N 46° 42' 38" E	25.16
1380 – 1381	N 28° 06' 01" E	10.35
1381 – 1382	N 62° 12' 29" E	2.40
1382 – 1383	DUE NORTH	2.13
1383 – 1384	N 40° 54' 52" E	4.96
1384 – 1385	N 66° 54' 34" E	1.1.14
1385 – 1386	DUE EAST	3.25
1386 – 1387	S 34° 47' 11" E	2.74
1387 – 1388	DUE SOUTH	22.62
1388 – 1389	S 35° 26' 55" E	11.21
1389 – 1390	S 13° 55' 45" E	15.58
1390 – 1391	S 36° 34' 43" E	15.42
1391 – 1392	N 54° 20' 08" E	44.39
1392 – 1393	N 44° 24' 34" E	68.59
1393 – 1394	S 46° 05' 21" E	20.91
1394 – 1395	S 19° 41' 53" E	30.41
1395 – 1396	S 45° 04' 03" E	3.00
1396 – 1397	DUE SOUTH	2.63
1397 – 1398	S 19° 25' 50" E	8.08
1398 – 1399	S 65° 25' 40" E	2.40
1399 – 1400	S 15° 49' 35" E	3.90
1400 – 1401	S 36° 39' 60" E	42.39
1401 – 1402	S 70° 01' 05" E	8.05
1402 – 1403	DUE SOUTH	2.13
1403 – 1404	S 67° 28' 46" E	11.10
1404 – 1405	S 83° 45' 51" E	10.31
1405 – 1406	S 73° 09' 44" E	16.85
1406 – 1407	S 27° 53' 11" E	21.91
1407 – 1408	S 49° 05' 08" E	4.96
1408 – 1409	S 31° 37' 59" E	8.22
1409 – 1410	DUE SOUTH	10.25
1410 – 1411	S 21° 06' 53" W	25.33
1411 – 1412	S 08° 37' 36" W	7.08
1412 – 1413	S 05° 20' 10" E	11.42
1413 – 1414	S 22° 49' 13" E	11.12

1414-1415	S 29° 00' 23" E	28.87
1415-1416	S 22° 48' 56" E	11.12
1416-1417	S 06° 33' 20" E	9.31
1417-1418	S 05° 23' 52" W	11.30
1418-1419	S 62° 40' 30" W	2.46
1419-1420	DUE SOUTH	2.12
1420-1421	S 34° 08' 26" W	22.05
1421-1422	S 11° 31' 54" W	28.76
1422-1423	S 15° 28' 26" E	6.09
1423-1424	DUE EAST	20.44
1424-1425	DUE NORTH	0.00
1425-1426	N 64° 21' 32" E	7.21
1426-1427	N 79° 06' 46" E	5.98
1427-1428	N 65° 09' 01" E	6.54
1428-1429	N 45° 05' 56" E	27.44
1429-1430	N 39° 47' 52" E	20.99
1430-1431	N 08° 10' 34" E	22.85
1431-1432	N 08° 34' 01" W	28.95
1432-1433	N 22° 06' 34" W	8.63
1433-1434	DUE NORTH	29.62
1434-1435	N 15° 03' 47" E	8.42
1435-1436	N 11° 49' 56" W	5.49
1436-1437	N 17° 21' 01" E	7.33
1437-1438	N 11° 09' 59" W	5.48
1438-1439	N 33° 43' 02" W	5.85
1439-1440	N 03° 08' 38" W	10.27
1440-1441	N 31° 12' 29" W	14.47
1441-1442	DUE NORTH	11.37
1442-1443	N 13° 54' 08" E	13.27
1443-1444	N 21° 30' 34" E	13.30
1444-1445	N 29° 36' 16" E	31.63
1445-1446	0	2.13
1446-1447	N 62° 12' 29" E	2.40
1447-1448	DUE NORTH	3.25
1448-1449	N 45° 44' 39" E	6.81
1449-1450	N 30° 50' 42" E	15.72
1450-1451	DUE NORTH	3.75
1451-1452	N 26° 32' 39" E	4.90
1452-1453	DUE NORTH	7.00
1453-1454	N 36° 58' 38" W	26.91
1454-1455	N 78° 13' 46" W	5.49
1455-1456	DUE NORTH	1.63
1456-1457	N 41° 25' 25" W	5.67
1457-1458	N 08° 38' 05" E	7.08
1458-1459	N 24° 47' 19" E	8.94
1459-1460	DUE NORTH	4.38
1460-1461	N 48° 02' 51" E	22.44
1461-1462	N 51° 55' 26" E	25.33
1462-1463	N 63° 05' 56" E	38.13

LAWS, RULES AND ISSUANCES FOR ENVIRONMENTAL CASES

1463 – 1464	N 26° 30' 02" E	2.38
1464 – 1465	N 76° 08' 55" E	9.40
1465 – 1466	N 34° 46' 40" E	1.97
1466 – 1467	N 68° 11' 21" E	27.26
1467 – 1468	N 44° 26' 21" E	4.55
1468 – 1469	N 66° 54' 21" E	130.66
1469 – 1470	N 61° 20' 31" E	19.02
1470 – 1471	DUE EAST	3.81
1471 – 1472	N 65° 28' 36" E	33.73
1472 – 1473	N 26° 31' 19" E	2.38
1473 – 1474	N 62° 10' 43" E	26.78
1474 – 1475	N 73° 54' 18" E	11.25
1475 – 1476	N 65° 46' 45" E	9.46
1476 – 1477	DUE EAST	2.69
1477 – 1478	N 26° 37' 48" E	2.37
1478 – 1479	N 70° 48' 21" E	37.66
1479 – 1480	N 38° 30' 25" E	3.51
1480 – 1481	N 56° 33' 55" E	7.71
1481 – 1482	N 78° 38' 52" E	16.51
1482 – 1483	N 52° 40' 47" E	2.67
1483 – 1484	N 82° 30' 13" E	16.33
1484 – 1485	N 70° 22' 43" E	15.99
1485 – 1486	N 51° 34' 12" E	9.65
1486 – 1487	N 00° 57' 60" E	63.01
1487 – 1488	N 52° 04' 36" E	43.74
1488 – 1489	N 40° 03' 39" E	35.93
1489 – 1490	N 08° 20' 25" W	55.59
1490 – 1491	N 28° 13' 53" E	50.08
1491 – 1492	N 82° 38' 03" E	38.06
1492 – 1493	S 58° 52' 13" E	33.37
1493 – 1494	S 54° 49' 36" E	33.64
1494 – 1495	S 79° 07' 01" E	54.29
1495 – 1496	N 65° 36' 49" E	36.64
1496 – 1497	N 45° 58' 21" E	44.24
1497 – 1498	N 84° 23' 55" E	31.97
1498 – 1499	S 69° 18' 13" E	80.64
1499 – 1500	S 63° 48' 09" E	100.23
1500 – 1501	S 45° 01' 41" E	89.14
1501 – 1502	S 33° 39' 35" E	60.22
1502 – 1503	S 33° 44' 58" E	50.51
1503 – 1504	N 54° 08' 56" E	47.81
1504 – 1505	N 59° 14' 15" E	65.24
1505 – 1506	N 43° 31' 56" E	74.32
1506 – 1507	N 48° 49' 30" E	62.28
1507 – 1508	S 82° 31' 13" E	28.81
1508 – 1509	S 40° 11' 03" E	72.65
1509 – 1510	S 85° 29' 42" E	62.13
1510 – 1511	N 88° 16' 29" E	124.56
1511 – 1512	N 81° 32' 10" E	113.80

1512 – 1513	N 56° 24' 29" E	80.88
1513 – 1514	N 49° 37' 50" E	113.86
1514 – 1515	N 00° 52' 57" E	69.01
1515 – 1516	N 35° 08' 55" E	59.93
1516 – 1517	S 80° 02' 36" E	40.48
1517 – 1518	S 62° 14' 11" E	68.16
1518 – 1519	S 54° 53' 48" E	42.17
1519 – 1520	N 65° 24' 22" E	41.45
1520 – 1521	N 75° 17' 58" E	71.92
1521 – 1522	S 74° 21' 46" E	83.92
1522 – 1523	S 27° 28' 49" E	59.46
1523 – 1524	S 41° 03' 05" E	50.06
11524 – 1525	N 65° 50' 44" E	212.00
1525 – 1526	N 21° 31' 36" E	186.51
1526 – 1527	N 60° 26' 16" W	97.29
1527 – 1528	N 45° 00' 00" W	44.90
1528 – 1529	N 16° 48' 02" E	102.49
1529 – 1530	N 41° 20' 52" W	41.63
1530 – 1531	N 29° 04' 04" W	66.51
1531 – 1532	N 27° 23' 08" E	117.13
1532 – 1533	N 60° 53' 30" E	58.59
1533 – 1534	N 33° 07' 11" E	79.84
1534 – 1535	N 27° 18' 34" W	90.32
1535 – 1536	N 31° 34' 50" W	121.49
1536 – 1537	N 13° 32' 28" W	59.79
1537 – 1538	S 67° 45' 16" E	83.87
1538 – 1539	N 28° 08' 07" E	114.25
1539 – 1540	N 85° 34' 35" E	55.10
1540 – 1541	N 08° 55' 39" E	66.05
1541 – 1542	N 59° 13' 17" E	46.41
1542 – 1543	S 48° 51' 36" E	39.34
1543 – 1544	S 30° 40' 05" E	60.16
1544 – 1545	S 72° 48' 41" E	49.07
1545 – 1546	S 88° 05' 22" E	82.48
1546 – 1547	S 38° 38' 28" E	78.57
1547 – 1548	S 70° 38' 21" E	45.64
1548 – 1549	N 76° 15' 36" E	41.05
1549 – 1550	N 19° 00' 54" W	87.66
1550 – 1551	N 22° 06' 50" W	100.11
1551 – 1552	S 86° 46' 14" W	39.94
1552 – 1553	N 50° 11' 27" W	70.86
1553 – 1554	N 43° 53' 42" W	98.71
1554 – 1555	N 46° 06' 15" W	57.50
1555 – 1556	N 27° 05' 01" W	142.08
1556 – 1557	N 89° 10' 57" W	79.20
1557 – 1558	N 13° 22' 01" W	23.25
1558 – 1559	N 37° 14' 12" W	70.34
1559 – 1560	N 08° 17' 26" W	78.45
1560 – 1561	N 11° 27' 47" E	59.44

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1561–1562	N 42° 55' 57" W	62.49
1562–1563	N 02° 03' 19" W	29.64
1563–1564	N 22° 13' 24" E	121.13
1564–1565	N 06° 50' 34" E	62.95
1565–1566	N 47° 04' 34" E	53.77
1566–1567	N 42° 49' 01" E	69.70
1567–1568	N 41° 31' 58" E	50.43
1568–1569	S 83° 36' 34" E	62.89
1569–1570	N 79° 37' 40" E	56.93
1570–1571	N 79° 20' 25" E	64.17
1571–1572	N 67° 26' 07" E	70.05
1572–1573	N 34° 16' 19" E	71.70
1573–1574	N 66° 26' 34" E	63.48
1574–1575	N 75° 09' 55" E	59.09
1575–1576	N 09° 55' 45" E	65.60
1576–1577	N 04° 54' 59" W	81.68
1577–1578	N 11° 38' 56" W	56.02
1578–1579	N 83° 07' 14" W	54.27
1579–1580	S 87° 47' 10" W	181.20
1580–1581	S 84° 59' 31" W	48.69
1581–1582	S 10° 25' 25" E	26.94
1582–1583	S 21° 48' 05" W	37.70
1583–1584	S 59° 49' 48" W	41.79
1584–1585	S 36° 07' 32" W	34.67
1585–1586	S 59° 11' 40" W	55.88
1586–1587	N 59° 01' 44" W	48.33
1587–1588	N 81° 18' 19" W	52.92
1588–1589	N 16° 31' 41" W	32.08
1589–1590	N 01° 23' 40" E	43.64
1590–1591	N 88° 56' 10" W	60.32
1591–1592	S 67° 57' 45" W	88.94
1592–1593	N 82° 49' 42" W	38.05
1593–1594	N 63° 42' 16" W	143.61
1594–1595	N 57° 44' 28" W	41.46
1595–1596	N 01° 03' 58" W	26.87
1596–1597	N 12° 07' 38" W	30.94
1597–1598	N 59° 47' 28" W	33.05
1598–1599	N 19° 42' 16" E	30.40
1599–1600	N 35° 43' 39" E	35.11
1600–1601	N 07° 56' 31" E	34.83
1601–1602	N 03° 04' 52" E	60.47
1602–1603	N 70° 55' 32" W	27.91
1603–1604	N 47° 10' 09" W	19.86
1604–1605	N 15° 54' 08" E	33.53
1605–1606	N 37° 37' 10" E	68.81
1606–1607	N 22° 21' 35" E	29.74
1607–1608	S 83° 57' 17" E	30.86
1608–1609	N 83° 30' 52" E	80.83
1609–1610	N 73° 23' 17" E	47.22

1610-1611	N 30° 30' 52" E	51.94
1611-1612	N 28° 55' 32" E	31.27
1612-1613	N 81° 30' 54" E	36.46
1613-1614	N 39° 19' 20" E	246.58
1614-1615	N 33° 48' 54" E	72.66
1615-1616	N 13° 15' 43" E	49.32
1616-1617	N 43° 22' 57" E	65.88
1617-1618	N 61° 53' 03" E	116.71
1618-1619	N 52° 27' 10" E	93.73
1619-1620	N 00° 33' 25" W	109.39
1620-1621	N 29° 37' 59" E	50.18
1621-1622	N 06° 22' 21" W	73.20
1622-1623	N 64° 39' 34" W	75.65
1623-1624	N 57° 33' 15" W	86.21
1624-1625	N 76° 06' 36" W	101.02
1625-1626	N 70° 38' 10" W	76.52
1626-1627	S 80° 50' 18" W	94.96
1627-1628	N 54° 35' 10" W	39.04
1628-1629	N 58° 50' 20" E	57.26
1629-1630	N 80° 59' 31" E	130.93
1630-1631	N 71° 28' 55" E	40.93
1631-1632	S 69° 46' 49" E	36.17
1632-1633	N 87° 54' 35" E	147.22
1633-1634	N 83° 12' 46" E	128.02
1634-1635	S 87° 59' 18" E	74.92
1635-1636	S 71° 38' 18" E	61.90
1636-1637	S 86° 49' 53" E	97.15
1637-1638	S 88° 19' 04" E	127.74
1638-1639	N 64° 39' 04" E	56.64
1639-1640	N 86° 06' 05" E	64.27
1640-1641	S 81° 19' 47" E	96.98
1641-1642	S 63° 12' 42" E	58.53
1642-1643	S 23° 57' 50" E	84.94
1643-1644	S 04° 12' 09" E	117.70
1644-1645	S 24° 05' 31" E	67.37
1645-1646	S 83° 15' 44" E	59.66
1646-1647	N 45° 25' 06" E	48.44
1647-1648	N 70° 48' 09" E	63.86
1648-1649	S 52° 03' 28" E	28.05
1649-1650	S 15° 34' 38" E	72.15
1650-1651	S 41° 09' 59" E	68.74
1651-1652	S 68° 31' 07" E	95.58
1652-1653	S 83° 51' 23" E	75.87
1653-1654	N 84° 08' 43" E	79.60
1654-1655	N 47° 02' 15" E	63.29
1655-1656	N 02° 17' 01" E	54.91
1656-1657	N 06° 16' 22" W	93.81
1657-1658	N 32° 11' 49" E	58.65
1658-1659	N 80° 43' 32" E	82.96

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1659–1660	S 85° 04' 01" E	93.03
1660–1661	S 76° 23' 41" E	139.73
1661–1662	S 83° 41' 34" E	128.45
1662–1663	N 71° 11' 53" E	138.85
1663–1664	N 83° 04' 58" E	129.69
1664–1665	N 89° 32' 45" E	63.06
1665–1666	N 56° 25' 03" E	55.59
1666–1667	N 70° 47' 34" E	145.54
1667–1668	N 43° 16' 49" E	126.54
1668–1669	N 18° 01' 56" E	73.09
1669–1670	N 16° 37' 04" E	75.40
1670–1671	N 34° 12' 40" E	115.94
1671–1672	N 79° 41' 22" E	63.53
1672–1673	S 43° 41' 15" E	36.65
1673–1674	S 25° 00' 39" E	70.07
1674–1675	S 06° 07' 24" W	65.62
1675–1676	S 04° 22' 29" E	91.77
1676–1677	S 54° 12' 48" E	42.53
1677–1678	S 87° 30' 53" E	74.95
1678–1679	S 72° 57' 14" E	78.90
1679–1680	S 42° 56' 39" E	75.13
1680–1681	S 19° 39' 14" E	81.76
1681–1682	S 07° 50' 32" E	66.88
1682–1683	S 32° 48' 17" E	88.48
1683–1684	S 45° 31' 32" E	81.55
1684–1685	S 64° 17' 38" E	63.40
1685–1686	N 83° 36' 03" E	33.65
1686–1687	N 56° 07' 54" E	66.84
1687–1688	N 36° 58' 13" E	57.26
1688–1689	N 42° 25' 23" E	67.91
1689–1690	S 77° 29' 04" E	37.52
1690–1691	S 42° 01' 39" E	44.25
1691–1692	S 23° 01' 10" E	49.71
1692–1693	S 31° 26' 11" E	45.42
1693–1694	S 83° 44' 22" E	59.61
1694–1695	N 77° 42' 48" E	91.02
1695–1696	N 87° 47' 56" E	84.62
1696–1697	S 31° 44' 33" E	83.04
1697–1698	S 01° 39' 44" E	56.02
1698–1699	S 60° 15' 19" W	50.89
1699–1700	S 75° 18' 31" W	76.89
1700–1701	DUE WEST	64.63
1701–1702	S 64° 20' 17" W	49.65
1702–1703	S 52° 19' 50" W	56.46
1703–1704	S 20° 26' 58" W	78.71
1704–1705	S 05° 04' 17" E	79.06
1705–1706	S 26° 17' 18" E	46.29
1706–1707	S 78° 27' 10" E	45.61
1707–1708	N 81° 10' 22" E	77.42

1708-1709	S 74° 48' 33" E	39.12
1709-1710	S 11° 12' 03" E	58.24
1710-1711	S 22° 51' 37" W	59.69
1711-1712	S 41° 27' 05" W	109.90
1712-1713	S 44° 33' 30" W	97.54
1713-1714	S 83° 08' 07" W	45.01
1714-1715	S 87° 18' 28" W	79.84
1715-1716	S 71° 41' 10" W	123.70
1716-1717	S 51° 53' 28" W	82.85
1717-1718	S 24° 53' 54" W	73.04
1718-1719	S 06° 30' 52" W	109.07
1719-1720	S 07° 52' 45" E	149.54
1720-1721	S 44° 42' 35" E	87.24
1721-1722	S 65° 12' 54" E	73.04
1722-1723	N 73° 26' 24" E	64.03
1723-1724	N 37° 49' 41" E	76.43
1724-1725	N 37° 26' 03" E	103.75
1725-1726	N 70° 08' 19" E	90.51
1726-1727	S 89° 10' 17" E	78.13
1727-1728	S 65° 13' 16" E	62.92
1728-1729	S 45° 47' 04" E	112.75
1729-1730	S 32° 28' 51" E	140.47
1730-1731	S 16° 31' 39" E	87.22
1731-1732	S 34° 20' 03" E	148.04
1732-1733	S 35° 37' 35" E	154.40
1733-1734	S 40° 03' 02" E	71.20
1734-1735	S 04° 55' 16" E	131.87
1735-1736	S 02° 52' 13" E	139.80
1736-1737	S 36° 36' 25" E	49.68
1737-1738	S 51° 48' 05" E	67.92
1738-1739	S 70° 48' 47" E	75.31
1739-1740	N 62° 46' 35" E	58.76
1740-1741	N 30° 20' 41" E	66.19
1741-1742	N 15° 17' 21" E	34.60
1742-1743	N 38° 31' 40" E	58.00
1743-1744	N 44° 03' 46" E	70.46
1744-1745	S 87° 45' 03" E	41.53
1745-1746	S 83° 57' 38" E	61.78
1746-1747	N 84° 46' 42" E	71.42
1747-1748	N 50° 52' 31" E	67.35
1748-1749	N 23° 29' 16" E	63.51
1749-1750	N 10° 28' 38" W	59.12
1750-1751	N 42° 09' 48" E	78.59
1751-1752	N 86° 30' 56" E	53.47
1752-1753	S 55° 49' 10" E	36.49
1753-1754	S 25° 48' 02" E	54.43
1754-1755	S 43° 55' 57" E	42.70
1755-1756	N 85° 20' 59" E	52.42
1756-1757	N 60° 06' 23" E	59.69

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1757–1758	N 59° 56' 28" E	109.54
1758–1759	N 53° 10' 34" E	88.23
1759–1760	N 42° 34' 15" E	54.14
1760–1761	N 78° 19' 10" E	50.04
1761–1762	S 76° 47' 35" E	49.24
1762–1763	S 33° 18' 57" E	45.17
1763–1764	S 16° 55' 31" E	51.74
1764–1765	S 27° 17' 12" E	57.67
1765–1766	S 24° 35' 06" E	84.13
1766–1767	S 46° 51' 38" E	59.79
1767–1768	S 69° 45' 20" E	98.26
1768–1769	S 89° 05' 18" E	101.82
1769–1770	N 65° 49' 59" E	44.87
1770–1771	N 88° 21' 34" E	74.41
1771–1772	N 89° 39' 56" E	85.63
1772–1773	S 60° 15' 18" E	69.54
1773–1774	S 47° 14' 39" E	48.43
1774–1775	S 09° 40' 41" W	54.65
1775–1776	S 36° 52' 12" W	78.13
1776–1777	S 43° 14' 35" W	86.48
1777–1778	S 39° 24' 02" W	54.35
1778–1779	S 26° 09' 31" E	31.90
1779–1780	S 27° 30' 03" W	47.91
1780–1781	S 06° 13' 05" E	54.82
1781–1782	S 32° 55' 29" E	54.50
1782–1783	S 73° 11' 46" E	95.12
1783–1784	S 84° 52' 24" E	114.71
1784–1785	S 88° 15' 48" E	107.24
1785–1786	S 70° 12' 04" E	77.85
1786–1787	S 49° 33' 13" E	135.26
1787–1788	S 31° 25' 06" E	71.34
1788–1789	S 11° 18' 36" W	52.26
1789–1790	S 67° 40' 29" W	35.54
1790–1791	N 76° 41' 03" W	54.27
1791–1792	N 69° 25' 59" W	64.42
1792–1793	S 60° 20' 38" W	60.13
1793–1794	S 20° 55' 51" W	51.26
1794–1795	S 22° 35' 53" W	121.99
1795–1796	S 00° 54' 22" W	71.14
1796–1797	S 17° 54' 42" E	56.09
1797–1798	S 02° 38' 25" W	128.89
1798–1799	S 33° 52' 29" E	47.43
1799–1800	S 50° 40' 13" E	50.10
1800–1801	S 55° 56' 54" E	38.40
1801–1802	N 84° 43' 03" E	58.44
1802–1803	N 76° 18' 16" E	54.36
1803–1804	S 77° 46' 54" E	58.45
1804–1805	S 53° 13' 12" E	61.18
1805–1806	S 57° 10' 35" E	75.64

1806–1807	S 42° 55' 31" E	60.94
1807–1808	S 06° 08' 40" E	60.73
1808–1809	S 33° 15' 24" W	41.26
1809–1810	S 79° 51' 14" W	76.64
1810–1811	N 73° 41' 52" W	105.56
1811–1812	N 50° 21' 24" W	81.90
1812–1813	N 47° 06' 09" W	60.23
1813–1814	DUE WEST	48.50
1814–1815	S 35° 19' 47" W	56.85
1815–1816	S 02° 12' 09" E	84.56
1816–1817	S 20° 56' 19" E	96.36
1817–1818	S 69° 39' 37" E	72.99
1818–1819	N 81° 41' 01" E	85.52
1819–1820	N 87° 37' 50" E	54.42
1820–1821	S 84° 29' 34" E	96.38
1821–1822	S 59° 16' 04" E	55.77
1822–1823	S 80° 32' 51" E	89.02
1823–1824	N 68° 57' 29" E	54.31
1824–1825	N 68° 59' 46" E	76.72
1825–1826	S 75° 40' 31" E	61.15
1826–1827	S 45° 00' 10" E	70.88
1827–1828	S 07° 02' 28" E	74.95
1828–1829	S 18° 44' 13" E	60.32
1829–1830	S 08° 23' 23" E	140.50
1830–1831	S 13° 51' 23" E	96.56
1831–1832	S 26° 00' 29" W	74.79
1832–1	S 03° 06' 27" E	10.39, the

point of beginning, containing an area of 28,452 hectares, more or less, subject to corrections and the exclusion of some portions in the downstream section of the Kotkot River Watershed, situated in Barangay Cabadiangan within the municipalities of Compostela and Liloan: *Provided*, That the portion of Barangay Cabadiangan located within the Municipality of Compostela, not to exceed 386 hectares, shall be declared a buffer zone: *Provided, further*, That the portion of Barangay Cabadiangan within the Municipality of Liloan, not to exceed 400 hectares, shall, likewise, be declared a buffer zone if, after actual ground survey, it is determined that the slope is 180 or less. Otherwise, it shall form part of the CCPL. The technical descriptions of Parcel "A," hence, particularly referring to these areas will be rectified.

Parcel "B"

Note: Tie Point (TP) is CBU - 137 with UTM coordinate 1143055.58N and 592288.1E.

Lines	Bearing	Distance (m)
1–2	S 62° 56' 49" W	75.02
2–3	S 31° 40' 54" W	511.47
3–4	S 32° 52' 11" W	353.77
4–5	S 34° 04' 02" W	550.62
5–6	S 05° 09' 53" E	308.25

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6-7	S 33° 00' 47" E	447.50
7-8	S 08° 38' 35" W	639.64
8-9	S 13° 07' 22" W	819.52
9-10	S 02° 17' 47" W	336.90
10-11	S 47° 41' 37" E	170.29
11-12	S 77° 58' 18" E	353.32
12-13	N 68° 05' 49" E	277.80
13-14	N 57° 57' 50" E	252.37
14-15	N 50° 51' 42" E	1047.62
15-16	N 34° 12' 14" E	1099.70
16-17	N 16° 13' 37" W	513.07
17-18	N 56° 24' 10" W	152.02
18-19	N 64° 43' 28" W	193.53
19-20	N 16° 10' 56" E	305.21
20-21	N 49° 35' 46" E	384.36
21-22	N 02° 59' 27" E	164.09
22-23	N 57° 39' 40" W	423.20
23-24	N 85° 56' 08" W	493.80
24-25	N 50° 10' 23" W	387.22
25-01	N 60° 04' 41" W	355.08, the

point of beginning, containing an area of 610 hectares.

Once surveyed and verified on the ground, and incorporating necessary corrections including changes recommended by the CCPL-PAMB which are supported by sound technical and scientific basis, the Department of Environment and Natural Resources (DENR) shall mark on the ground the boundaries set forth in this Act which shall not be modified except by an act of Congress.

The technical descriptions provided in this Act will be subject to ground survey and verification to be conducted by the DENR within 90 days after the effectivity of this Act. Any modification of the coverage of this Act due to such factors as changing ecological situations, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the affected public and concerned government agencies.

SEC. 5. Definition of Terms. – For purposes of this Act:

- (a) *Biodiversity* shall refer to the variety and variability among all living organisms and the ecological complexities in which they occur.
- (b) *Biological resources* shall include genetic resources, organisms or parts thereof, population or any other biotic component of ecosystems with actual or potential use or value for humanity.
- (c) *Buffer zone* shall refer to the identified area outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area.
- (d) *By-products or derivatives* shall mean any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens.
- (e) *Collection or collecting* shall refer to the act of gathering or harvesting wildlife, its by-products or derivatives.
- (f) *Component area* shall refer to any or all of the areas previously ordered or proclaimed as the Buhisan Watershed Forest Reserve, the Sudlon National Park, the Central Cebu National Park, the

Mananga Watershed Forest Reserve and the Kotkot-Lusaran Watershed Forest Reserve, and now comprising and collectively referred to as the CCPL.

- (g) *Conservation* shall mean preservation and sustainable utilization of wildlife and/or maintenance, restoration and enhancement of the habitat.
- (h) *Consultation* shall refer to the meeting or dialogue with concerned or affected individuals and groups within and outside the CCPL designed to identify and resolve issues and problems affecting them in relation to the protection, conservation and sustainable development of the CCPL.
- (i) *Endemic species* shall refer to species or subspecies which is naturally occurring and found only within specific areas in the country.
- (i) *Exotic species* shall refer to species or subspecies of flora and fauna which do not naturally occur within the CCPL at present or in historical time.
- (k) *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
- (l) *Exploitation* shall refer to any mode of use extraction, development, utilization or disposition of resources for whatever purpose, whether commercial or otherwise.
- (m) *Habitat* shall refer to a place or type of environment where a species or subspecies naturally occurs or has natural established its population.
- (n) *Introduction* shall mean bringing species into the wild that is outside its natural habitat.
- (o) *Kaingin* shall refer to the slash-and-burn of vegetation to clear land for agricultural purposes
- (p) *National Integrated Protected Areas System (NIPAS)* shall refer to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein and to maintain their natural conditions to the greatest extent possible.
- (s) *NIPAS Act* refers to the National Integrated Protected Areas System (NIPAS) Act of 1992 or Republic Act No. 7586, and its implementing rules and regulations.
- (r) *National park* shall refer to the land of the public domain classified as such in the 1987 Constitution which includes all areas under the NIPAS pursuant to Republic Act No. 7586 primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity.
- (s) *Non-government organization (NGO)* shall refer to an agency, institution, a foundation or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.
- (t) *Nonrenewable resources* shall refer to those resources within the CCPL, the natural replenishment rate of which is not known.
- (u) *People's Organization (PO)* shall refer to a group of organized migrant communities and/or interested indigenous peoples which may be an association, cooperative, federation or other legal entity, established to undertake collective action to address community concerns and needs, and mutually share the benefits of the endeavor.
- (v) *Protected area (PA)* shall refer to the identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and

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protected against destructive human exploitation wild that is outside its natural habitat, vegetation to clear land for agricultural purposes.

- (w) *Protected Area Management Board (PAMB)* shall refer to a multi-sectoral policy-making body for protected areas created in accordance with Republic Act No. 7586 or the NIPAS Act of 1992.
- (x) *Protected landscape/seascape* refers to an area of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas.
- (y) *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 and public land.
- (z) *Special-use zones* shall refer to areas containing existing installations of national and local significance, such as telecommunication facilities, irrigation canals, water supply infrastructure or electric power lines.
- (aa) *Sustainable* shall refer to the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of the present and future generations.
- (bb) *Strict protection zones* shall refer to natural areas with high biodiversity value which shall be closed to all human activity except for scientific studies and ceremonial or religious use by the indigenous cultural communities/indigenous peoples; may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.
- (cc) *Tenured migrants* shall refer to occupants who have actually and continuously occupied a portion of the protected area and is solely dependent therein for subsistence. A protected area occupant is understood to be “solely dependent for subsistence” when everything indispensable for survival for the household, including food, clothing, shelter and health, comes only from the utilization of resources from the protected area.
- (dd) *Watershed forest reserve* shall refer to areas such as the Buhisan Watershed Forest Reserve, the Mananga Watershed Forest Reserve and the Kotkot-Lusaran Watershed Forest Reserve proclaimed as such by the issuance of an executive order or a presidential proclamation for purposes of protecting, maintaining or improving the water yield and providing restraining mechanisms for inappropriate forest exploitation and disruptive land use.
- (ee) *Wildlife* shall refer to wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated.
- (ff) *Zones* shall refer to the divisions within the CCPL consisting of levels of protection and permitted use of natural resources such as strict protection zone, sustainable-use zone, restoration zone, multiple-use zone and special-use zone, as provided under existing rules and regulations of the NIPAS.

Sec. 6. Central Cebu Protected Landscape-Protected Area Management Board (CCPL-PAMB). – There is hereby created a CCPL-PAMB which shall have sole jurisdiction, power and authority over the CCPL for all matters that may affect biodiversity conservation, watershed protection and sustainable development. In addition to the duties and functions enumerated in the implementing rules and regulations of the NIPAS Act, the CCPL-PAMB, which shall decide by consensus or majority vote, shall have the following duties and functions:

- (a) Issue rules and regulations to prohibit acts that may be prejudicial to the CCPL and to the declaration of policy set forth under the NIPAS;
- (b) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;
- (c) Adopt rules and procedures in the conduct of business, including the creation of committees to which its powers may be delegated;
- (d) Approve the management plan and oversee the office of the Protected Area Superintendent (PASu);
- (e) Establish criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;
- (f) Recommend the deputization of appropriate individuals, including local community leaders, for the enforcement of the laws, rules and regulations governing the conduct or management of the CCPL;
- (g) Approve fees and charges in accordance with DENR Department Administrative Order No. 51, Series of 2000 and raise funds for the CCPL;
- (h) Manage the allocation of the Central Cebu Protected Landscape Fund and other funds for the CCPL, ensure their proper administration and render accounting; and
- (i) Recommend appropriate policy changes to the DENR and other government authorities.

The DENR, through the Regional Executive Director (RED), shall ensure that the CCPL-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 CCPL-PAMB, such conflict shall be referred by the CCPL-PAMB to the DENR Secretary who shall decide whether to apply the rule or withdraw its application from the CCPL.

Sec. 7. Composition of the CCPL-PAMB. – The members of the CCPL-PAMB are as follows:

- (a) RED of the DENR-Region VII, as chairman;
- (b) Provincial planning and development officer of the Province of Cebu;
- (c) The mayors of the cities of Cebu, Talisay, Toledo and Danao and the municipalities of Minglanilla, Consolacion, Liloan, Compostela and Balamhan, or their duly designated representatives;
- (d) One representative from each *barangay* covering the CCPL;
- (e) At least two representatives from local POs with stakes in the CCPL, chosen from among themselves;
- (f) At least three representatives from the local NGOs with stakes in the CCPL, chosen from among themselves; and
- (g) One representative from government agencies involved in the CCPL management.

Each member of the CCPL-PAMB shall serve for a term of five years and shall be considered to represent his or her sector and deemed to carry the vote of such sector in all matters. In the case of members who are government officials, the term of office shall be attached to the office held.

The members of the CCPL-PAMB shall be appointed by the Secretary of the DENR in conformity with the provisions of the NIPAS Act. As a transitory provision, the initial members of the CCPL-PAMB shall be nominated from the current members of the interim PAMBs of the five component areas of the CCPL. Their nominations shall be conducted in a joint meeting of the current members of the interim PAMBs duly called for the purpose: *Provided, further,* That at least 50 percent of the members shall be women.

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In the selection of the representatives of POs and NGOs, preference shall be accorded to those organizations that are involved in the conservation, protection and development of the CCPL. Representation shall be by institution and shall aim to achieve balance in representation by geographic location or areas.

The representatives from the local government units (LGUs) and national agencies in the CCPL-PAMB shall include among their duties the appraisal of their respective constituents, office or sector of the CCPL-PAMB-approved or other relevant policies, rules, regulations, programs and projects and ensuring that the provisions of this Act are observed, complied with and used as reference and framework in their respective plans, policies, programs and projects. Failure to comply with the foregoing shall subject such representative to disciplinary action as the PAMB may provide.

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

SEC. 8. *The Composition of the Executive Committee (ExeCom).* – In view of the large size of the CCPL-PAMB, an ExeCom is hereby created, composed of the following:

- (a) The DENR regional technical director for Protected Areas, Wildlife, Coastal and Marine Zone Management Service (PAWCMZMS), as chairperson;
- (b) Cebu City and Balamban mayors as co-chairs;
- (c) Cebu provincial planning and development officer; and
- (d) The respective chairperson and co-chairs of the different permanent committees that may be created by the CCPL-PAMB.

SEC. 9. *The Powers and Functions of the ExeCom.* – The CCPL-PAMB shall authorize the ExeCom to perform the following:

- (a) Approve policies and guidelines formulated and recommended by the committees based on the approved CCPL general management plan or the watershed management plan which shall be ratified by the Board in a general assembly;
- (b) Act on proposals or projects recommended by the concerned committees;
- (c) Act on requests to conduct research or studies within the CCPL;
- (d) Recommend to the DENR or other concerned agencies the issuance of permits, leases, contracts, memoranda of agreements (MOA), tenurial instruments and other agreements within the CCPL;
- (e) Determine or cite violations and recommend sanctions against violators of prohibited acts within the CCPL;
- (f) Review and recommend for approval the CCPL Fee System as formulated by the Ways and Means Committee;
- (g) Generate funds and other resources needed for the administration and development of the CCPL;
- (h) Conduct periodic review of the CCPL general management plan or the watershed management plan; and
- (i) Perform other functions as may be delegated by the Board.

The ExeCom shall meet on a more frequent and periodic basis to discuss regular day-to-day affairs and other matters delegated by the CCPL-PAMB.

SEC. 10. The Protected Area Superintendent (PASu) Office. – The PASu Office is hereby created within the DENR regional office to be headed by the PASu who shall serve as the chief operating DENR officer of the entire CCPL. The PASu shall report directly to the RED of the DENR - Region VII and shall be accountable to the CCPL-PAMB. The PASu and the PASu staff shall reside within the CCPL and establish an office and suboffices within the CCPL in order to implement this Act.

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

- (a) Establish, operate and maintain a database management system as decision support tool;
- (b) Prepare the management plans as herein defined;
- (c) Provide a secretariat for the CCPL-PAMB and supply the CCPL-PAMB with all the necessary information to make appropriate decisions for the implementation of this Act;
- (d) Enforce the laws, rules and regulations relevant to the CCPL, institute and file legal action independently or in collaboration with other government agencies or organizations and assist in the prosecution of offenses committed in violation of this Act;
- (e) Monitor all activities within the CCPL to ensure its conformity with the management plan;
- (f) Recommend the issuance of permits based on terms, conditions and criteria established by the CCPL-PAMB;
- (g) Ensure the integration of the CCPL management policies, regulations, programs and projects at all the concerned national and LGU levels: and
- (h) Perform such other functions as the CCPL-PAMB may delegate.

The PASu shall be supported by sufficient number of personnel who shall be performing day-to-day management, protection and administration of the CCPL. Upon the recommendation of the PAMB, the DENR regional director shall deputize local community leaders and environment and natural resource officers.

SEC. 11. Tenured Migrants and Other CCPL Occupants. – Tenured migrants shall be eligible to become stewards of portions of lands within allowable zones. The PAMB shall identify, verify and review all tenure instruments, land claims and issuances of permits for resource use within the PA and recommend the issuance of the appropriate tenure instrument consistent with the zoning provided in the management plan and its successor plans.

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

In the event of termination of a tenure 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.

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Other PA occupants who do not qualify as tenured migrants shall be resettled outside the PA as determined by the PAMB. The PAMB shall determine, plan and implement a definite schedule for resettling them outside of the PA following the procedures set forth by existing law.

SEC. 12. Utilization of Resources. – Any exploitation of or utilization of nonrenewable resources within the CCPL shall not be allowed. Energy projects within the CCPL shall be allowed only through an act of Congress except energy from wind, sun and water sources of not more than 1 megawatt capacity for mini-hydro power: *Provided*, That these renewable energy projects are established outside the strict protection zone, adopt reduced impact technologies and undergo the Environmental Impact Assessment (EIA) system as provided by law: *Provided, further*, That the CCPL-PAMB endorsement has been obtained.

SEC. 13. Existing Facilities within the CCPL. – Within 60 days from the effectivity of this Act, major existing facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipment and irrigation facilities existing within the boundaries of the CCPL shall submit project description to the CCPL-PAMB through the PASu.

The CCPL-PAMB, with the assistance of the DENR, shall determine whether the existence of such facility and its future plans and operations will be detrimental to the CCPL or whether conditions for its operation shall be imposed. If any such conditions are violated, the owner of the facility shall be liable to pay a fine of Five Thousand Pesos (P5,000) for every violation. Upon reaching a total fine of Five Hundred Thousand Pesos (P500,000), the CCPL-PAMB through the PASu and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owner.

Existing facilities allowed to remain within the CCPL may be charged a reasonable royalty by the DENR. All income from such royalty shall accrue to the Central Cebu Protected Landscape Fund.

SEC. 14. Prohibited Acts and Penalties. – The following are prohibitions and penalties applicable to the CCPL, in addition to the prohibited acts as provided in the NIPAS Act and its pertinent rules and regulations:

- (a) The penalties in Articles 309 and 310 of the Revised Penal Code, depending on the value of the resources involved in connection with the prohibited act, shall be imposed upon any person who:
 - (1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic plants or animals, flora or fauna, sand, rocks or by-products derived therefrom, within particularly identified regulated or prohibited zones in the CCPL including private lands without the necessary permit, authorization or exemption: *Provided*, That hunting of animals shall be absolutely prohibited except for scientific research;
 - (2) Cuts, gathers, removes or collects timber forest products, within particularly identified regulated and prohibited areas or zones in the CCPL including private areas without the necessary permit, authorization or exemption;
 - (3) Possesses or transports, within or outside the any timber, forest products, wild terrestrial or aquatic animals, flora or fauna, or by-product derived therefrom is ascertained to have been taken from the CCPL;
 - (4) Undertakes mineral exploration or extraction;
 - (5) Engages in quarrying of sand, gravel, limestone or any material within the CCPL;
 - (6) Hunts, collects, removes or destroys any endangered or protected species, except when collection or removal of scientific research and exempted from the prohibition CCPL-PAMB;

- (7) Conducts bioprospecting within the CCPL prior CCPL-PAMB approval in accordance with existing guidelines; or
 - (8) Establishes or introduces exotic species with CCPL which are detrimental to endemic species or without CCPL-PAMB approval.
- (b) A fine of not less than Five Thousand Pesos (P5,000) nor more than Five Hundred Thousand Pesos (P500,000) and/or imprisonment from one year but not more than six years shall be imposed upon any person who:
- (1) Violates any rules and regulations management plan or by the CCPL-PAMB or agreements before the CCPL-PAMB in the exercise of adjudicative functions.
 - (2) Erects any structure on land or on water purpose outside the management plan: *Provided*, large-scale private infrastructure and other projects medium to high density residential subdivisions, measuring large commercial and industrial nontraditional farming other activities that cause increased in immigration, pollution resource degradation are absolutely prohibited;
 - (3) Possesses a chainsaw, hacksaw and other mechanized equipment within the CCPL without a permit;
 - (4) Throws, dumps or causes to be dumped into the CCPL any non-biodegradable material or waste whether liquid, solid or gas;
 - (5) Uses, dumps, places or causes to be placed into the CCPL toxic chemicals, including pesticides and other hazardous substances, unless the same is expressly allowed in the protection and conservation plan;
 - (6) Prospects, hunts or otherwise locates hidden treasures within the CCPL;
 - (7) Informally occupies or dwells in any land within the CCPL without clearance from the PAMB;
 - (8) Posseses or uses blasting caps or explosives anywhere within the CCPL;
 - (9) Destroys, excavates, vandalizes or, in any manner, damages any natural formation on land, religious, spiritual, historical sites, artifacts and other objects of natural or scenic value;
 - (10) Alters, removes or destroys boundary marks or signs;
 - (11) Engages in *kaingin* or, in any manner, causing forest fires inside the CCPL; or
 - (12) Purchases or sells, mortgages or leases lands or other portions of the CCPL which are covered by any benurial instrument.

Valuation of the damage for this Act shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. Valuation assessed by the DENR or the concerned government agency shall be presumed correct unless otherwise proven by preponderant evidence.

Any person who shall induce another or conspire to commit any of the illegal acts prohibited in this Act or suffer their workers to commit any of the same shall be liable in the same manner as the one actually performing the act.

All conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices shall be subject to immediate and administrative confiscation, independent of the judicial proceedings by the PASu Office upon apprehension subject however to due process and substantial evidence requirements. When legal action is however filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices, independent of the

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administrative proceedings, shall not be released until after judgment has been rendered. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the CCPL Fund. Procedure for the sale thereof shall be promulgated by the CCPL-PAMB. However, in no case shall any confiscated or rescued protected animal species be sold, in any manner disposed of but shall be immediately turned over to the PASu Office for release in its natural habitat, subject to existing regulations.

The penalties specified in this Section will be in addition to the penalties contained in Republic Act No. 9072 (National Caves and Cave Resources Management and Protection Act), Republic Act No. 9147 (Wildlife Resources Conservation and Protection Act) and other related laws.

Conviction for any offense under this Act of a public office or officer of the law shall carry the accessory penalty of perpetual disqualification from public office.

SEC. 15. *Special Prosecutor and Retained Counsel.* – Within 30 days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations of the PA shall be assigned. Such special prosecutor shall coordination with the CCPL-PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers on arrest and criminal procedures. The CCPL-PAMB may retain the services of a counsel to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor and to defend the members the CCPL-PAMB, the PASu and the staff, or any person assisting in the protection, conservation and sustainable development of the PA, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated tasked by the CCPL-PAMB.

SEC. 16. *Central Cebu Protected Landscape Fund.* – There is hereby established a trust fund to be known as the Central Cebu Protected Landscape Fund for purposes of financing projects of the CCPL. Seventy-five percent of the income generated from the operation of the CCPL or the management of wild flora and fauna in the CCPL shall accrue to the fund. The remaining 25 percent shall go to the Integrated Protected Areas Fund (IPAF) as established in the NIPAS Act of 1992.

Income shall be derived from visitors/tourists fee, fees from permitted sale and export of flora and fauna and other resources from the CCPL, proceeds from the registration and lease of multiple-use areas, including tourism concessions, fees, proceeds and contributions from industries and facilities directly benefiting from the CCPL, and such other fees and income derived from the operation of the CCPL.

The PAMB may impose and charge reasonable fees such as, but not limited to, water users fee for water extracted by commercial water extractors/distributors sourced and generated from the PA. Such fee structure may change as the PAMB may see fit.

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 disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system, and duly approved projects endorsed by the CCPL-PAMB in accordance with existing accounting and budgeting rules and regulations: *Provided, further*, That the fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits and rentals of LGU facilities: *Provided*, That the LGUs shall not impose property tax and issue tax declaration for areas or properties located in timberland areas or areas previously classified as national parks. Furthermore, LGUs may charge add-ons to fees

imposed by the CCPL-PAMB: *Provided*, That such add-ons shall be determined based on the contribution of the LGUs in the maintenance and protection of the CCPL.

SEC. 17. Appropriations. – The Secretary of the D shall immediately include in the Department’s programs in the implementation this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 18. Reporting Responsibility. – The PASu, through the PAMB, shall submit an annual accomplishment report to the Secretary of the DENR on the activities undertaken In the CCPL.

SEC. 19. Construction and Suppletory Application of Existing Laws. – The provisions of this Act shall be construed liberally in favor of achieving biodiversity, conservation of watershed and environmental protection and sustainable development. The provisions of Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act of 1992 and existing forestry laws, and corresponding rules and regulations not inconsistent hereto shall have the suppletory effect in the implementation of this Act.

SEC. 20. Transitory Provision. – In order to ensure sustainability and integrity of the watersheds and resources, the recovery and restoration of biological diversity and to develop sustainable livelihood opportunities for te migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any instrument that allows exploitation and utilization of resources within the CCPL until the management plan shall have put into effect.

All existing land-use and resource-use permits with the CCPL shall be reviewed and shall not be renewed upon expiration unless consistent with the management plan approved by the PAMB. Moreover, areas determined by water habitat and potable water sources and reservoirs shall be declared protected and special-use zones, respectively, and management and uses shall be consistent with the provisions of the respective executive orders, presidential proclamation and amendments establishing them.

SEC. 21. Separability Clause. – If, for any reasons part or section of this Act is declared unconstitutional or in such other parts not affected thereby shall remain in full and effect.

SEC. 22. Repealing Clause. – All laws, decrees, proclamations, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 23. Effectivity Clause. – This Act shall take effect 15 days after its complete publication in the Official Gazette or in a national newspaper of general circulation available in the CCPL.

Approved: June 7, 2007.

REPUBLIC ACT No. 9494
AN ACT DECLARING THE MIMBILISAN WATERSHED LOCATED IN THE MUNICIPALITIES
OF BALINGOAN AND TALISAYAN, PROVINCE OF MISAMIS ORIENTAL AS A PROTECTED AREA
UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT
AND FOR OTHER PURPOSES

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

SECTION 1. – Title. This Act shall be known and cited as “*The Mimbilisan Protected Landscape Act.*”

SEC. 2. Declaration of Policy. – It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. For this purpose, the State shall secure for the present and future generations of Filipinos the perpetual existence of all native plants and animals within the Mimbilisan Watershed in the municipalities of Balingoan and Talisayan, Province of Misamis *Oriental*, through its establishment as a component of the National Integrated Protected Areas System (NIPAS) under the category of protected landscape. The State shall likewise promote the participation of local communities in the management of the Mimbilisan Watershed and protect the way of life of the people living in and around the protected area.

SEC. 3. Scope. – The boundaries of the Mimbilisan Protected Landscape are as follows: Tie Line: Point 1 or Corner 1 on the map is S 37° W, approximately 6,200 meters from the MEM of the Municipality of Talisayan, Misamis Oriental.

Line	Bearing	Distance
1–2	S 55° 00'E3	10.00 meters
2–3	N 73° 00'E	200.00 meters
3–4	S 52° 00'E	200.00 meters
4–5	S 55° 60'W	633.00 meters
5–6	S 55° 60'W	200.00 meters
6–7	S 60° 60'W	190.00 meters
7–8	N 68° 60'W	220.00 meters
8–9	S 68° 60'W	150.00 meters
9–10	N 09° 60'E	390.00 meters
10–11	N 09° 60'E	260.00 meters
11–12	N 34° 00'E	110.00 meters
12–13	N 62° 60'W	220.00 meters
13–14	N 19° 60'W	170.00 meters
14–15	N 70° 00'E	190.00 meters
15–1	S 86° 00'E	110.00 meters

The total land area of the Mimbilisan Protected Landscape is 660,000 square meters or 66 hectares, more or less, located within the territory of Barangay Mapua, Municipality of Balingoan, Province of Misamis Oriental.

SEC. 4. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

- (a) *Biological diversity or biodiversity* shall refer to the wealth of life forms found on earth, the millions of different plants, animals and microorganisms, the genes they contain and the intricate ecosystem they form.
- (b) *Buffer zones* shall refer to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area.
- (c) *General management plan* shall refer to the basic long-term framework plan for the management of the protected area and shall serve as guide in the preparation of the annual operations plan and budget.
- (d) *General Management Planning Strategy (GMPS)* shall refer to a guide in the formulation of site specific management plans, including buffer zones.
- (e) *Indigenous peoples* shall refer to people sharing common bonds of language, customs, traditions and other distinctive cultural traits and who have since time immemorial occupied, possessed and utilized a territory.
- (f) *Integrated Protected Areas Fund (IPAF)* shall refer to a trust fund established for purposes of financing projects within a protected area.
- (g) *Management manual* shall refer to the individual management plan containing basic background information, field inventory of the resources, assessment of assets and limitations, regional interrelationships, particular objectives for managing the area, appropriate division into management zones, review of the boundaries and design of the management programs of the area.
- (h) *National Integrated Protected Areas System (NIPAS)* shall refer to the classification and administration of all designated protected areas established pursuant to Republic Act No. 7586 to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources and to maintain the natural conditions to the greatest extent possible.
- (i) *Protected area (PA)* shall refer to identified portions of land and water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- (j) *Protected Area Management Board (PAMB)* shall refer to the site-based decision-making body responsible in the planning, resource protection and general administration of the area in accordance with the approved management plan.
- (k) *Protected landscape* shall refer to an area of national significance which is characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of the area.
- (l) *Protected Area Superintendent (PASu)* shall refer to the chief operating officer of the Department of Environment and Natural Resources (DENR) for the Mimbilisan Protected Landscape.

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(m) *Secretary* shall refer to the Secretary of the DENR.

(n) *Tenured migrants* shall refer to any person who has actually and continuously occupied an area for five years prior to the designation of the same as a PA in accordance with the provisions of Republic Act No. 7586 or the NIPAS Act and are solely dependent therein for subsistence.

SEC. 5. Management of the Mimbilisan Protected Landscape. – The management of the Mimbilisan Protected Landscape shall be vested in the PAMB as herein provided, which shall serve as the highest policymaking body for the PA. Through the PAMB, the management structure for the PA shall promote partnership, participation, cooperation and coordination with local communities and civil society organizations.

SEC. 6. The Protected Area Management Board (PAMB). – The PAMB for the Mimbilisan Protected Landscape shall be composed of:

- (a) The regional executive director (RED) of the DENR Region X, as chairman;
- (b) The mayors of the municipalities of Balingoan and Talisayan, Province of Misamis Oriental or their authorized representatives;
- (c) The barangay captains with territory inside and adjacent to the PA or their authorized representatives;
- (d) The regional director of the Department of Agriculture (DA)-Region X or his authorized representative;
- (e) The Provincial Environment and Natural Resources Officer (PENRO) of Misamis Oriental;
- (f) The Community Environment and Natural Resources Officer (CENRO) of Gingoog City;
- (g) Two non-government organization people's organization (NGO/PO) representatives concerned with PA management, chosen from among the two municipalities with territory inside the PA and duly accredited with the municipality being represented; and
- (h) The Provincial Planning and Development Officer (PPDO) of Misamis Oriental, sitting as *ex officio* member, to be endorsed by the provincial governor.

Each member of the PAMB shall serve for a term of five years and shall be considered to represent and carry the vote of his/her sector in all matters. The members who represent government officials or agencies shall serve according to the term of office of their principals, unless sooner terminated by such officials.

SEC. 7. Powers and Functions of the PAMB. – The PAMB for the Mimbilisan Protected Landscape shall exercise the following powers and functions:

- (a) Issue rules and regulations to implement the provisions of this Act and promote the policy declaration herein set forth;
- (b) Establish criteria and set fees for the issuance of permits for the activities regulated by this Act or the approved management plan;
- (c) Identify the buffer zone for the PA;
- (d) Adopt rules of procedure for the conduct of business, including the creation of committees to whom its powers may be delegated;
- (e) Approve the management plan and oversee the office of the PASu;

- (f) Deputize interested individuals for the enforcement of the laws, rules and regulations adopted pursuant to this Act;
- (g) Accept donations, approve proposals for funding and budget allocation and exercise accountability over all funds that may accrue to the PA;
- (h) Coordinate with appropriate agencies for the regulation of flight patterns of aircraft going over the area to set acceptable latitudinal limits and emissions; and
- (i) Retain legal counsel, either on a permanent or temporary basis, to provide legal assistance to the PAMB and the PASu staff whenever they are sued in connection with the performance of their duties under this Act.

The Secretary shall exercise authority over the PAMB to ensure that it exercises its authority within the scope of its powers and functions. In case of conflict between administrative orders of national application issued by the DENR pursuant to the NIPAS Act and the rules and regulations issued by the PAMB, the PAMB shall notify the Secretary who shall resolve such conflict.

The local government units (LGUs) or the municipalities of Balingoan and Talisayan shall participate in the management of the PA through representation in the PMAB as provided under Section 6 hereof. The LGUs shall retain their power to adopt ordinances over the territory covered under this Act, giving due consideration, however, to PA management objectives. If a conflict between LGU and PA management objectives remain unresolved within the PAMB, the Secretary shall resolve such issue with the concerned LGU.

SEC. 8. *The Mimbilisan Protected Landscape Superintendent Office.* – There is hereby established a Protected Area Superintendent's Office in charge of the management, protection and administration of the PA. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the Mimbilisan Protected Landscape or the PA and shall be accountable to the RED of the DENR Region X and the PAMB.

The PASu shall have the following powers and functions:

- (a) Prepare the management and successor plans as herein provided;
- (b) Provide a secretariat for the PAMB to supply the latter with all information necessary to make appropriate decisions;
- (c) Hire and supervise the necessary personnel to support operations as the budget made available by the PAMB may allow;
- (d) Establish a productive partnership with the local community, including groups interested in the achievement of the goals and objectives of the PA and in the planning, protection and management thereof;
- (e) Develop and implement a park information, education and visitor program;
- (f) Enforce the laws, rules and regulations relevant to the PA and assist in the prosecution of offenses thereof;
- (g) Monitor all activities within the PA for conformity with the management plan; and
- (h) Perform such other functions as the PAMB may assign.

The PASu shall prepare a management plan in coordination with the appropriate offices of the DENR, the LGUs, the local communities and experts on tribal communities who have experience in the particular cultures in the area. The management plan shall be reviewed, approved and adopted by the

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PAMB and certified to by the Secretary so that it conforms to all laws, rules and regulations of national application. In no case shall the management plan be revised or modified without prior consultation with the PAMB.

Within one year from the effectivity of this Act, the management plan shall be put into effect in accordance with the NIPAS Act and the procedure herein set forth. It shall contain, among others, the following:

- (i) Period of applicability of the plan;
- (ii) Key management issues;
- (iii) Goals and objectives of management;
- (iv) Site management strategy;
- (v) Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control, etc.;
- (vi) Zoning; and
- (vii) Visitor management programs.

The PASu shall prepare all successor plans two years before the expiration of the existing plans and shall cause the publication of notices for comments and suggestions on the next successor plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three other areas frequented by the public. Public consultations may be conducted on the successor plan upon the written request of any interested party. The proposed plan shall be made available to the public during the period for comment and the final version shall be made available for public perusal at the office of the PASu.

The zoning of the PA shall give primary consideration to cultural, economic and social practices consistent with sustainable management principles by tenured migrants and nearby communities for an appreciable length of time unless such uses are deemed detrimental to biodiversity conservation and the protection of the natural characteristics of the PA. The management plan shall be prepared in a language understandable in the area, plainly written and available for perusal anytime to the general public at the PASu Office.

SEC. 9. Existing Facilities Within the PA. – Existing facilities allowed to remain within the PA may be charged a reasonable fee by the PAMB, which shall be embodied in a memorandum of agreement to be entered into with the owner of the facility. All incomes derived from such fees shall accrue to the Mimbilisan Protected Area Fund established pursuant to this Act.

In setting the user fees on man-made facilities managed by private entities, the rates shall be determined by the private entity but shall be comparable to the fees charged for similar facilities in a PA. For all other facilities, the user fees therein shall be determined in consultation with the PAMB.

SEC. 10. Utilization of Non-renewable Resources. – Any exploration for and exploitation or utilization of non-renewable resources within the PA shall not be allowed. Energy projects, renewable or otherwise, shall be permitted only through an act of Congress: *Provided*, That exploitation of renewable energy up to three megawatts capacity shall be exempt from such requirement.

SEC. 11. Prohibited Acts.

- (a) The penalties prescribed for theft under Articles 309 and 310 of the Revised Penal Code shall be imposed upon any person found guilty of:
- (i) Hunting, destroying, trapping, disturbing or possessing anywhere within the PA of any wild plant or animal or products derived therefrom without a permit from the PAMB: *Provided*, That such permit shall only be given for scientific purposes necessary to promote PA management;
 - (ii) Cutting, gathering, collecting or removing timber or forest products without permit: *Provided*, That such permit shall only be given for scientific purposes necessary for PA management;
 - (iii) Possessing outside the PA any wild plant or animal or products derived therefrom which came from the PA;
 - (iv) Mineral exploration or extraction, drilling or prospecting for minerals within the PA;
 - (v) Constructing or maintaining any kind of road, structure, fence or enclosure without permit from the PAMB: *Provided*, That structures within ancestral domains used by indigenous cultural communities shall not need a permit from the PAMB; and
 - (vi) Altering, mutilating, excavating, removing, destroying or defacing boundaries, marks or signs, natural formation, burial grounds, religious sites, artifacts, objects belonging to indigenous cultural communities and other objects of natural and scenic value or affixing marks or signs on trees.
- (b) A fine of not less than One Hundred Thousand Pesos (P100,000) nor more than Five Hundred Thousand Pesos (P500,000) and/or imprisonment of not less than one year and not more than five years shall be imposed upon:
- (i) Any person or persons found guilty of grazing and/or causing livestock to graze or raising poultry within the PA without a permit from the PAMB; and
 - (ii) Any public officer or officer of the law, who, in dereliction of the duties of his office, shall maliciously refrain from instituting acts necessary to prosecute the violators of this Act or shall tolerate the commission of offenses herein provided. Conviction for this offense shall also carry the penalty of perpetual disqualification from public office.
- (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 one year and not more than five years and the restoration and rehabilitation of the damage shall be imposed upon any person who commit the following acts:
- (i) Violating any rules and regulations in the management plan or by the PAMB or agreements reached before the PAMB in the exercise of its adjudicative functions;
 - (ii) Dumping, burning or disposing of any waste products, vegetation or materials within the PA to the detriment of the inhabitants, plants or animals therein;
 - (iii) Use of motorized equipment without a permit except motorized vehicles within the national highway, provincial road or other public thoroughfare traversing the park: *Provided*, That such thoroughfares were legally constructed;
 - (iv) Occupying any portion of land inside the PA without a permit from the PAMB: *Provided*, That such occupation shall be of such a nature as to last more than 10 days in the particular portion of the PA; and

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- (v) Entering the PA without a permit from the PAMB. Any person who shall induce or conspire with another person to commit any of the acts prohibited in this section or cause his workers to commit any of such acts shall be liable in the same manner as the one actually performing the act.

The valuation of the damage resulting from any of the acts prohibited herein shall take into account biodiversity and conservation consideration as well as aesthetic and scenic values. Conviction for any of these acts shall likewise carry the penalty of eviction from the PA and forfeiture in favor of the government of transportation facilities, structures, building materials, equipment, devices and weapons used in the commission of the offense.

The LGU responsible for the arrest of a violator, and the confiscation of materials used in the commission of the offense shall have a 50 percent share from the proceeds in the disposition of confiscated materials. The other 50 percent shall accrue to the Mimbilisan Protected Area Fund.

The above prohibitions shall not include activities identified in the management plans and such other measures as are necessary for protection, preservation and PA management, which shall be undertaken by the PASu or other persons deputized by the PAMB. The certified customs and traditional practices of indigenous cultural communities are also allowable activities over which the above prohibitions shall not apply.

SEC. 12. Special Prosecutors. – Within 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 laws, rules and regulations in the PA 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 arresting and prosecuting violators of this Act. The PAMB may appoint a special private prosecutor on a case-to-case basis to assist the public prosecutor.

SEC. 13. The Mimbilisan Protected Area Fund. – There is hereby established a trust fund to be known as the Mimbilisan Protected Area Fund for purposes of financing projects for the PA. All income generated from the operation of the PA or the management of wild flora and fauna in the PA shall accrue to the fund. These income shall be derived from visitors/tourists fee, fees from permitted sale and export of flora and fauna and other resources from the PA, proceeds from registration and lease of multiple-use areas, including tourism concessions, contributions from industries and facilities directly benefiting from the PA; and such other fees and income derived from the operation of the PA.

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 disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system, and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations: *Provided, further*, That the fund shall not be used to cover personal services expenditures.

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

SEC. 14. Appropriations. – The Secretary of the DENR shall immediately include in the Department's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 15. *Construction.* – The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the Mimbilisan watershed and water resources and the conservation and restoration of biological diversity, taking into account the needs and interests of qualified tenured migrants, for present and future Filipino generations. The NIPAS Act shall have suppletory effect in the implementation of this Act.

This Act shall not be deemed to resolve or used as basis for the resolution of any existing boundary conflict between the municipalities of Balingoan and Talisayan.

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

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

SEC. 18. *Repealing Clause.* – All laws, rules and regulations inconsistent herewith are modified accordingly.

SEC. 19. *Effectivity Clause.* – This Act shall take effect 15 days after its publication in the *Official Gazette* or in a newspaper of general circulation readily available in and around the scope specified herein. It shall likewise be posted in a conspicuous place in the provincial, municipal and barangay halls within the area as well as in three other places frequented by the public.

Approved: August 22, 2007.

REPUBLIC ACT No. 9512
AN ACT TO PROMOTE ENVIRONMENTAL AWARENESS
THROUGH ENVIRONMENTAL EDUCATION AND FOR OTHER PURPOSES

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

SECTION 1. Title. – This Act shall be known as the “*National Environmental Awareness and Education Act of 2008.*”

SEC. 2. Declaration of Policy. – Consistent with the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and in recognition of the vital role of the youth in nation building and the role of education to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development, the State shall promote national awareness on the role of natural resources in economic growth and the importance of environmental conservation and ecological balance towards sustained national development.

SEC. 3. Scope of Environmental Education. – The Department of Education (DepEd), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the Department of Social Welfare and Development (DSWD), in coordination with the Department of Environment and Natural Resources (DENR), the Department of Science and Technology (DOST) and other relevant agencies, shall integrate environmental education in its school curricula at all levels, whether public or private, including in barangay daycare, preschool, non-formal, technical vocational, professional level, indigenous learning and out-of-school youth courses or programs. Environmental education shall encompass environmental concepts and principles, environmental laws, the state of international and local environment, local environmental best practices, the threats of environmental degradation and its impact on human well-being, the responsibility of the citizenry to the environment and the value of conservation, protection and rehabilitation of natural resources and the environment in the context of sustainable development. It shall cover both theoretical and practicum modules comprising activities, projects, programs including, but not limited to, tree planting; waste minimization, segregation, recycling and composting; freshwater and marine conservation; forest management and conservation; relevant livelihood opportunities and economic benefits and other such programs and undertakings to aid the implementation of the different environmental protection laws.

SEC. 4. Environmental Education and Activities as Part of National Service Training Program. – The CHED and the TESDA shall include environmental education and awareness programs and activities in the National Service Training Program under Republic Act No. 9163, as part of the Civic Welfare Training Service component required for all baccalaureate degree courses and vocational courses with a curriculum of at least two years.

SEC. 5. Declaration of Environmental Awareness Month. – Pursuant to the policy set forth in this Act, the month of November of every year shall be known as the “Environmental Awareness Month” throughout the Philippines.

SEC. 6. Interagency and Multi-sectoral Effort. – The DepEd, CHED, TESDA, DENR, DOST and other relevant agencies, in consultation with experts on the environment and the academe, shall lead in the implementation of public education and awareness programs on environmental protection and conservation through collaborative interagency and multi-sectoral effort at all levels.

The DENR shall have the primary responsibility of periodically informing all agencies concerned on current environmental updates, including identifying priority environmental education issues for national action and providing strategic advice on the environmental education activities. The DepEd, CHED, TESDA, DENR, DOST, DSWD and barangay units shall ensure that the information is disseminated to the subject students.

The DOST is mandated to create programs that will ensure that students receive science-based quality information on environmental issues to encourage the development of environment-friendly solutions, devices, equipment and facilities.

SEC. 7. Capacity-Building. – The DepEd, CHED and TESDA, in coordination with the DENR and other relevant agencies, shall undertake capacity-building programs nationwide such as trainings, seminars, workshops on environmental education, development and production of environmental education materials, and teacher-education courses and related livelihood programs.

SEC. 8. Separability Clause. – If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

SEC. 9. Repealing Clause. – All other acts, laws, executive orders, presidential issuances, rules and regulations or any part thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 10. Effectivity. – This Act shall take effect 15 days after its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved: December 12, 2008.

REPUBLIC ACT No. 9729
AN ACT MAINSTREAMING CLIMATE CHANGE INTO GOVERNMENT POLICY FORMULATIONS,
ESTABLISHING THE FRAMEWORK STRATEGY AND PROGRAM ON CLIMATE CHANGE, CREATING
FOR THIS PURPOSE THE CLIMATE CHANGE COMMISSION, AND FOR OTHER PURPOSES

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

SECTION 1. Title. – This Act shall be known as the “*Climate Change Act of 2009.*”

SEC. 2. Declaration of Policy. – It is the policy of the State to afford full protection and the advancement of the right of the people to a healthful ecology in accord with the rhythm and harmony of nature. In this light, the State has adopted the Philippine Agenda 21 framework which espouses sustainable development, to fulfill human needs while maintaining the quality of the natural environment for current and future generations.

Towards this end, the State adopts the principle of protecting the climate system for the benefit of humankind, on the basis of climate justice or common but differentiated responsibilities and the Precautionary Principle to guide decision-making in climate risk management. As a party to the United Nations Framework Convention on Climate Change, the State adopts the ultimate objective of the Convention which is the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system which should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. As a party to the Hyogo Framework for Action, the State likewise adopts the strategic goals in order to build national and local resilience to climate change-related disasters.

Recognizing the vulnerability of the Philippine archipelago and its local communities, particularly the poor, women, and children, to potential dangerous consequences of climate change such as rising seas, changing landscapes, increasing frequency and/or severity of droughts, fires, floods and storms, climate-related illnesses and diseases, damage to ecosystems, biodiversity loss that affect the country’s environment, culture, and economy, the State shall cooperate with the global community in the resolution of climate change issues, including disaster risk reduction. It shall be the policy of the State to enjoin the participation of national and local governments, businesses, nongovernment organizations, local communities and the public to prevent and reduce the adverse impacts of climate change and, at the same time, maximize the benefits of climate change. It shall also be the policy of the State to incorporate a gender-sensitive, pro-children and pro-poor perspective in all climate change and renewable energy efforts, plans and programs. In view thereof, the State shall strengthen, integrate, consolidate and institutionalize government initiatives to achieve coordination in the implementation of plans and programs to address climate change in the context of sustainable development.

Further recognizing that climate change and disaster risk reduction are closely interrelated and effective disaster risk reduction will enhance climate change adaptive capacity, the State shall integrate disaster risk reduction into climate change programs and initiatives.

Cognizant of the need to ensure that national and subnational government policies, plans, programs and projects are founded upon sound environmental considerations and the principle of sustainable development, it is hereby declared the policy of the State to systematically integrate the concept of climate change in various phases of policy formulation, development plans, poverty reduction strategies and other development tools and techniques by all agencies and instrumentalities of the government.

SEC. 3. DEFINITION OF TERMS. – For purposes of this Act, the following shall have the corresponding meanings:

- (a) *Adaptation* refers to the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.
- (b) *Adaptive capacity* refers to the ability of ecological, social or economic systems to adjust to climate change including climate variability and extremes, to moderate or offset potential damages and to take advantage of associated opportunities with changes in climate or to cope with the consequences thereof.
- (c) *Anthropogenic causes* refer to causes resulting from human activities or produced by human beings.
- (d) *Climate Change* refers to a change in climate that can be identified by changes in the mean and/or variability of its properties and that persists for an extended period typically decades or longer, whether due to natural variability or as a result of human activity.
- (e) *Climate Variability* refers to the variations in the average state and in other statistics of the climate on all temporal and spatial scales beyond that of individual weather events.
- (f) *Climate Risk* refers to the product of climate and related hazards working over the vulnerability of human and natural ecosystems.
- (g) *Disaster* refers to a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts which exceed the ability of the affected community or society to cope using its own resources.
- (h) *Disaster risk reduction* refers to the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.
- (i) *Gender mainstreaming* refers to the strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated. It is the process of assessing the implications for women and men of any planned action, including legislation, policies, or programs in all areas and at all levels.
- (j) *Global Warming* refers to the increase in the average temperature of the Earth’s near-surface air and oceans that is associated with the increased concentration of greenhouse gases in the atmosphere.
- (k) *Greenhouse effect* refers to the process by which the absorption of infrared radiation by the atmosphere warms the Earth.
- (l) *Greenhouse gases (GHG)* refers to constituents of the atmosphere that contribute to the greenhouse effect including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.
- (m) *Mainstreaming* refers to the integration of policies and measures that address climate change into development planning and sectoral decision-making.
- (n) *Mitigation* in the context of climate change, refers to human intervention to address anthropogenic emissions by sources and removals by sinks of all GHG, including ozone- depleting substances and their substitutes.

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- (o) *Mitigation potential* shall refer to the scale of GHG reductions that could be made, relative to emission baselines, for a given level of carbon price (expressed in cost per unit of carbon dioxide equivalent emissions avoided or reduced).
- (p) *Sea level rise* refers to an increase in sea level which may be influenced by factors like global warming through expansion of sea water as the oceans warm and melting of ice over land and local factors such as land subsidence.
- (q) *Vulnerability* refers to the degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes. Vulnerability is a function of the character, magnitude, and rate of climate change and variation to which a system is exposed, its sensitivity, and its adaptive capacity.

SEC. 4. Creation of the Climate Change Commission. – There is hereby established a Climate Change Commission, hereinafter referred to as the Commission.

The Commission shall be an independent and autonomous body and shall have the same status as that of a national government agency. It shall be attached to the Office of the President.

The Commission shall be the sole policy-making body of the government which shall be tasked to coordinate, monitor and evaluate the programs and action plans of the government relating to climate change pursuant to the provisions of this Act.

The Commission shall be organized within 60 days from the effectivity of this Act.

SEC. 5. Composition of the Commission. – The Commission shall be composed of the President of the Republic of the Philippines who shall serve as the Chairperson, and three Commissioners to be appointed by the President, one of whom shall serve as the Vice Chairperson of the Commission.

The Commission shall have an advisory board composed of the following:

- (a) Secretary of the Department of Agriculture;
- (b) Secretary of the Department of Energy;
- (c) Secretary of the Department of Environment and Natural Resources;
- (d) Secretary of the Department of Education;
- (e) Secretary of the Department of Foreign Affairs;
- (f) Secretary of the Department of Health;
- (g) Secretary of the Department of the Interior and Local Government;
- (h) Secretary of the Department of National Defense, in his capacity as Chair of the National Disaster Coordinating Council;
- (i) Secretary of the Department of Public Works and Highways;
- (j) Secretary of the Department of Science and Technology;
- (k) Secretary of the Department of Social Welfare and Development;
- (l) Secretary of the Department of Trade and Industry;
- (m) Secretary of the Department of Transportation and Communications;
- (n) Director-General of the National Economic and Development Authority, in his capacity as Chair of the Philippine Council for Sustainable Development;

- (o) Director-General of the National Security Council;
- (p) Chairperson of the National Commission on the Role of Filipino Women;
- (q) President of the League of Provinces;
- (r) President of the League of Cities;
- (s) President of the League of Municipalities;
- (t) President of the Liga ng mga Barangay;
- (u) Representative from the academe;
- (v) Representative from the business sector; and
- (w) Representative from nongovernmental organizations.

At least one of the sectoral representatives shall come from the disaster risk reduction community.

The representatives shall be appointed by the President from a list of nominees submitted by their respective groups. They shall serve for a term of six years without reappointment unless their representation is withdrawn by the sector they represent. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

Only the ex officio members of the advisory board shall appoint a qualified representative who shall hold a rank of no less than an Undersecretary.

SEC. 6. Meetings of the Commission. – The Commission shall meet once every three months, or as often as may be deemed necessary by the Chairperson. The Chairperson may likewise call upon other government agencies for the proper implementation of this Act.

SEC. 7. Qualifications, Tenure, Compensation of Commissioners. – The Commissioners must be Filipino citizens, residents of the Philippines, at least 30 years of age at the time of appointment, with at least 10 years of experience on climate change and of proven honesty and integrity. The Commissioners shall be experts in climate change by virtue of their educational background, training and experience: *Provided*, That at least one Commissioner shall be female: *Provided, further*, That in no case shall the Commissioners come from the same sector: *Provided, finally*, That in no case shall any of the Commissioners appoint representatives to act on their behalf.

The Commissioners shall hold office for a period of six years, and may be subjected to reappointment: *Provided*, That no person shall serve for more than two consecutive terms: *Provided, further*, That in case of a vacancy, the new appointee shall fully meet the qualifications of a Commissioner and shall hold office for the unexpired portion of the term only: *Provided, finally*, That in no case shall a Commissioner be designated in a temporary or acting capacity.

The Vice Chairperson and the Commissioners shall have the rank and privileges of a Department Secretary and Undersecretary, respectively. They shall be entitled to corresponding compensation and other emoluments and shall be subject to the same disqualifications.

SEC. 8. Climate Change Office. – There is hereby created a Climate Change Office that shall assist the Commission. It shall be headed by a Vice Chairperson of the Commission who shall act as the Executive Director of the Office. The Commission shall have the authority to determine the number of staff and create corresponding positions necessary to facilitate the proper implementation of this Act, subject to civil service laws, rules and regulations. The officers and employees of the Commission shall be appointed by the Executive Director.

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SEC. 9. Powers and Functions of the Commission. – The Commission shall have the following powers and functions:

- (a) Ensure the mainstreaming of climate change, in synergy with disaster risk reduction, into the national, sectoral and local development plans and programs;
- (b) Coordinate and synchronize climate change programs of national government agencies;
- (c) Formulate a Framework Strategy on Climate Change to serve as the basis for a program for climate change planning, research and development, extension, and monitoring of activities on climate change;
- (d) Exercise policy coordination to ensure the attainment of goals set in the framework strategy and program on climate change;
- (e) Recommend legislation, policies, strategies, programs on and appropriations for climate change adaptation and mitigation and other related activities;
- (f) Recommend key development investments in climate- sensitive sectors such as water resources, agriculture, forestry, coastal and marine resources, health, and infrastructure to ensure the achievement of national sustainable development goals;
- (g) Create an enabling environment for the design of relevant and appropriate risk-sharing and risk-transfer instruments;
- (h) Create an enabling environment that shall promote broader multi-stakeholder participation and integrate climate change mitigation and adaptation;
- (i) Formulate strategies on mitigating GHG and other anthropogenic causes of climate change;
- (j) Coordinate and establish a close partnership with the National Disaster Coordinating Council in order to increase efficiency and effectiveness in reducing the people’s vulnerability to climate-related disasters;
- (k) In coordination with the Department of Foreign Affairs, represent the Philippines in the climate change negotiations;
- (l) Formulate and update guidelines for determining vulnerability to climate change impacts and adaptation assessments and facilitate the provision of technical assistance for their implementation and monitoring;
- (m) Coordinate with local government units (LGUs) and private entities to address vulnerability to climate change impacts of regions, provinces, cities and municipalities;
- (n) Facilitate capacity building for local adaptation planning, implementation and monitoring of climate change initiatives in vulnerable communities and areas;
- (o) Promote and provide technical and financial support to local research and development programs and projects in vulnerable communities and areas; and
- (p) Oversee the dissemination of information on climate change, local vulnerabilities and risks, relevant laws and protocols and adaptation and mitigation measures.

SEC. 10. Panel of Technical Experts. – The Commission shall constitute a national panel of technical experts consisting of practitioners in disciplines that are related to climate change, including disaster risk reduction.

The Panel shall provide technical advice to the Commission in climate science, technologies, and best practices for risk assessment and enhancement of adaptive capacity of vulnerable human settlements to potential impacts of climate change.

The Commission shall set the qualifications and compensation for the technical experts. It shall provide resources for the operations and activities of the Panel.

SEC. 11. Framework Strategy and Program on Climate Change. – The Commission shall, within six (6) months from the effectivity of this Act, formulate a Framework Strategy on Climate Change. The Framework shall serve as the basis for a program for climate change planning, research and development, extension, and monitoring of activities to protect vulnerable communities from the adverse effects of climate change.

The Framework shall be formulated based on climate change vulnerabilities, specific adaptation needs, and mitigation potential, and in accordance with the international agreements.

The Framework shall be reviewed every three (3) years, or as may be deemed necessary.

SEC. 12. Components of the Framework Strategy and Program on Climate Change. – The Framework shall include, but not be limited to, the following components:

- (a) National priorities;
- (b) Impact, vulnerability and adaptation assessments;
- (c) Policy formulation;
- (d) Compliance with international commitments;
- (e) Research and development;
- (f) Database development and management;
- (g) Academic programs, capability building and mainstreaming;
- (h) Advocacy and information dissemination;
- (i) Monitoring and evaluation; and
- (j) Gender mainstreaming.

SEC. 13. National Climate Change Action Plan. – The Commission shall formulate a National Climate Change Action Plan in accordance with the Framework within one year after the formulation of the latter.

The National Climate Change Action Plan shall include, but not be limited to, the following components:

- (a) Assessment of the national impact of climate change;
- (b) The identification of the most vulnerable communities/areas, including ecosystems to the impacts of climate change, variability and extremes;
- (c) The identification of differential impacts of climate change on men, women and children;
- (d) The assessment and management of risk and vulnerability;
- (e) The identification of GHG mitigation potentials; and

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- (f) The identification of options, prioritization of appropriate adaptation measures for joint projects of national and local governments.

SEC. 14. Local Climate Change Action Plan. – The LGUs shall be the frontline agencies in the formulation, planning and implementation of climate change action plans in their respective areas, consistent with the provisions of the Local Government Code, the Framework, and the National Climate Change Action Plan.

Barangays shall be directly involved with municipal and city governments in prioritizing climate change issues and in identifying and implementing best practices and other solutions. Municipal and city governments shall consider climate change adaptation, as one of their regular functions. Provincial governments shall provide technical assistance, enforcement and information management in support of municipal and city climate change action plans. Inter-local government unit collaboration shall be maximized in the conduct of climate-related activities.

LGUs shall regularly update their respective action plans to reflect changing social, economic, and environmental conditions and emerging issues. The LGUs shall furnish the Commission with copies of their action plans and all subsequent amendments, modifications and revisions thereof, within one month from their adoption. The LGUs shall mobilize and allocate necessary personnel, resources and logistics to effectively implement their respective action plans.

The local chief executive shall appoint the person responsible for the formulation and implementation of the local action plan.

It shall be the responsibility of the national government to extend technical and financial assistance to LGUs for the accomplishment of their Local Climate Change Action Plans.

The LGU is hereby expressly authorized to appropriate and use the amount from its Internal Revenue Allotment necessary to implement said local plan effectively, any provision in the Local Government Code to the contrary notwithstanding.

SEC. 15. Role of Government Agencies. – To ensure the effective implementation of the framework strategy and program on climate change, concerned agencies shall perform the following functions:

- (a) The Department of Education (DepED) shall integrate climate change into the primary and secondary education curricula and/or subjects, such as, but not limited to, science, biology, *sibika*, history, including textbooks, primers and other educational materials, basic climate change principles and concepts;
- (b) The Department of the Interior and Local Government (DILG) and Local Government Academy shall facilitate the development and provision of a training program for LGUs in climate change. The training program shall include socioeconomic, geophysical, policy, and other content necessary to address the prevailing and forecasted conditions and risks of particular LGUs. It shall likewise focus on women and children, especially in the rural areas, since they are the most vulnerable;
- (c) The Department of Environment and Natural Resources (DENR) shall oversee the establishment and maintenance of a climate change information management system and network, including on climate change risks, activities and investments, in collaboration with other concerned national government agencies, institutions and LGUs;
- (d) The Department of Foreign Affairs (DFA) shall review international agreements related to climate change and make the necessary recommendation for ratification and compliance by the government on matters pertaining thereto;

- (e) The Philippine Information Agency (PIA) shall disseminate information on climate change, local vulnerabilities and risk, relevant laws and protocols and adaptation and mitigation measures; and
- (f) Government financial institutions, shall, any provision in their respective charters to the contrary notwithstanding, provide preferential financial packages for climate change-related projects. In consultation with the Bangko Sentral ng Pilipinas (BSP), they shall, within 30 days from the effectivity of this Act, issue and promulgate the implementing guidelines therefor.

The Commission shall evaluate, recommend the approval of loans and monitor the use of said funds of LGUs.

SEC. 16. *Coordination with Various Sectors.* – In the development and implementation of the National Climate Change Action Plan, and the local action plans, the Commission shall coordinate with the nongovernment organizations (NGOs), civic organizations, academe, people’s organizations, the private and corporate sectors and other concerned stakeholder groups.

SEC. 17. *Authority to Receive Donations and/or Grants.* – The Commission is hereby authorized to accept grants, contributions, donations, endowments, bequests, or gifts in cash, or in kind from local and foreign sources in support of the development and implementation of climate change programs and plans: *Provided*, That in case of donations from foreign governments, acceptance thereof shall be subject to prior clearance and approval of the President of the Philippines upon recommendation of the Secretary of Foreign Affairs: *Provided, further*, That such donations shall not be used to fund personal services expenditures and other operating expenses of the Commission.

The proceeds shall be used to finance:

- (a) Research, development, demonstration and promotion of technologies;
- (b) Conduct of assessment of vulnerabilities to climate change impacts, resource inventory, and adaptation capability building;
- (c) Advocacy, networking and communication activities in the conduct of information campaign; and
- (d) Conduct of such other activities reasonably necessary to carry out the objectives of this Act, as may be defined by the Commission.

SEC. 18. *Funding Allocation for Climate Change.* – All relevant government agencies and LGUs shall allocate from their annual appropriations adequate funds for the formulation, development and implementation, including training, capacity building and direct intervention, of their respective climate change programs and plans. It shall also include public awareness campaigns on the effects of climate change and energy-saving solutions to mitigate these effects, and initiatives, through educational and training programs and micro-credit schemes, especially for women in rural areas. In subsequent budget proposals, the concerned offices and units shall appropriate funds for program/project development and implementation including continuing training and education in climate change.

SEC. 19. *Joint Congressional Oversight Committee.* – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act. The Oversight Committee shall be composed of five Senators and five Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co chaired by a Senator and a Representative to be designated by the Senate President and the Speaker of the House of Representatives, respectively. Its funding requirement shall be charged against the appropriations of Congress.

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SEC. 20. Annual Report. – The Commission shall submit to the President and to both Houses of Congress, not later than March 30 of every year following the effectivity of this Act, or upon the request of the Congressional Oversight Committee, a report giving a detailed account of the status of the implementation of this Act, a progress report on the implementation of the National Climate Change Action Plan and recommend legislation, where applicable and necessary. LGUs shall submit annual progress reports on the implementation of their respective local action plan to the Commission within the first quarter of the following year.

SEC. 21. Appropriations. – The sum of Fifty Million Pesos (P50 million) is hereby appropriated as initial operating fund in addition to the unutilized fund of the Presidential Task Force on Climate Change and the Office of the Presidential Adviser on Global Warming and Climate Change. The sum shall be sourced from the President's contingent fund.

Thereafter, the amount necessary to effectively carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 22. Implementing Rules and Regulations. – Within 90 days after the approval of this Act, the Commission shall, upon consultation with government agencies, LGUs, private sector, NGOs and civil society, promulgate the implementing rules and regulations of this Act: *Provided*, That failure to issue rules and regulations shall not in any manner affect the executory nature of the provisions of this Act.

SEC. 23. Transitory Provisions. – Upon the organization of the Commission, the Presidential Task Force on Climate Change created under Administrative Order No. 171 and the Inter-Agency Committee on Climate Change created by virtue of Administrative Order No. 220, shall be abolished: *Provided*, That their powers and functions shall be absorbed by the Commission: *Provided, further*, That the officers and employees thereof shall continue in a holdover capacity until such time as the new officers and employees of the Commission shall have been duly appointed pursuant to the provisions of this Act. All qualified regular or permanent employees who may be transferred to the Commission shall not suffer any loss in seniority or rank or decrease in emoluments. Any employee who cannot be absorbed by the Commission shall be entitled to a separation pay under existing retirement laws.

SEC. 24. Separability Clause. – If for any reason any section or provision of this Act is declared as unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SEC. 25. Repealing Clause. – All laws, ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 26. Effectivity. – This Act shall take effect 15 days after the completion of its publication in the Official Gazette or in at least two national newspapers of general circulation.

Approved: October 23, 2009.

REPUBLIC ACT No. 9741
AN ACT IMPOSING A LOGGING BAN
IN THE THIRD DISTRICT OF THE PROVINCE OF NEGROS OCCIDENTAL

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

SECTION 1. A logging ban is hereby imposed within the third district of the Province of Negros Occidental.

SEC. 2. For purposes of this Act, “logging” shall refer to the process, work or business of cutting down trees for commercial purposes.

SEC. 3. The harvesting of planted species within tree plantations and the tree-cutting activities for projects approved by the government and only for basic services such as, but not limited to, public works, energy development or water utilities are exempted from this Act: *Provided*, That any harvesting or cutting of tree species shall comply with all pertinent environmental and forestry laws, rules and regulations.

SEC. 4. The Secretary of the Department of Environment and Natural Resources shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 5. This Act shall take effect upon its approval.

Approved: November 3, 2009.

REPUBLIC ACT NO. 9772
AN ACT IMPOSING A LOGGING BAN IN THE PROVINCE OF SOUTHERN LEYTE

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

SECTION 1. A logging ban is hereby imposed in the Province of Southern Leyte.

SEC. 2. For purposes of this Act, “logging” shall refer to the process, work or business of cutting down trees for commercial purposes.

SEC. 3. The harvesting of planted species within tree plantations and the tree cutting activities for projects approved by the government and only for basic services such as, but not limited to, public works, energy development or water utilities are exempted from this Act: *Provided*, That any harvesting or cutting of tree species shall comply with all pertinent environmental and forestry laws, rules and regulations.

SEC. 4. The Secretary of Environment and Natural Resources shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 5. This Act shall take effect upon its approval.

Approved: November 13, 2009.

REPUBLIC ACT No. 9847

AN ACT ESTABLISHING MOUNTS BANAHAW AND SAN CRISTOBAL IN THE PROVINCES OF LAGUNA AND QUEZON AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

SECTION 1. Title. – This Act shall be known as the “*Mts. Banahaw-San Cristobal Protected Landscape (MBSCPL) Act of 2009.*”

SEC. 2. Declaration of Policy. – The importance of the Banahaw and San Cristobal mountains as major watersheds in the provinces of Laguna and Quezon, including their educational, aesthetic, biodiversity, and cultural and religious importance behooves the State to undertake steps for their protection and preservation.

It is therefore declared the policy of the State to ensure the protection and conservation of these mountains and their associated forest, biodiversity, cultural and religious importance. In so doing, the State shall ensure the full implementation of this Act, the mobilization of resources for the institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems, culture and religious practices.

SEC. 3. Scope and Coverage. – The boundaries of the Mts. Banahaw-San Cristobal Protected Landscape (MBSCPL), which falls under the category of protected landscape as defined herein, within the municipalities of Sariaya, Candelaria, Dolores, Lucban, and Tayabas in the Province of Quezon and the municipalities of Rizal, Nagcarlan, Liliw, Majayjay and the City of San Pablo in the Province of Laguna, are as follows:

TECHNICAL DESCRIPTION

Parcel I

Beginning at a point marked “1” on the DENR NIPAS Map No. RO-4A-4, which is N 09°09’54” E, 10,726.59 meters from BLLM No.1 (Latitude 13°55’48.80,” Longitude 121°25’27.68”) of the Municipality of Candelaria, Province of Quezon;

Thence	N 39°00’ W	235.0 m	to corner 2;
Thence	N 39°00’ W	459.0 m	to corner 3;
Thence	N 51°00’ W	153.0 m	to corner 4;
Thence	N 76°00’ E	144.3 m	to corner 5;
Thence	N 59°00’ E	81.7 m	to corner 6;
Thence	N 28°00’ W	117.5 m	to corner 7;
Thence	N 30°00’ W	367.3 m	to corner 8;
Thence	N 77°00’ W	251.2 m	to corner 9;
Thence	N 26°00’ E	565.4 m	to corner 10;
Thence	N 46°28’ E	170.0 m	to corner 11;

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Thence	N 81°07' E	326.7 m	to corner 12;
Thence	N 39°14' E	162.2 m	to corner 13;
Thence	N 34°45' E	218.3 m	to corner 14;
Thence	N 21°13' E	196.9 m	to corner 15;
Thence	N 18°28' W	171.3 m	to corner 16;
Thence	N 00°40' E	80.9 m	to corner 17;
Thence	N 63°54' W	81.9 m	to corner 18;
Thence	N 81°47' W	135.8 m	to corner 19;
Thence	N 01°51' W	173.9 m	to corner 20;
Thence	N 25°27' W	77.4 m	to corner 21;
Thence	S 80°12' W	166.1 m	to corner 22;
Thence	S 20°36' W	482.9 m	to corner 23;
Thence	S 12°43' W	187.5 m	to corner 24;
Thence	N 82°04' W	149.6 m	to corner 25;
Thence	S 06°26' E	112.8 m	to corner 26;
Thence	S 63°01' E	117.5 m	to corner 27;
Thence	S 30°47' W	121.5 m	to corner 28;
Thence	S 23°02' W	115.0 m	to corner 29;
Thence	N 70°02' W	404.8 m	to corner 30;
Thence	N 35°27' E	145.6 m	to corner 31;
Thence	N 27°30' E	171.5 m	to corner 32;
Thence	N 06°42' W	412.4 m	to corner 33;
Thence	N 16°30' W	384.5 m	to corner 34;
Thence	N 38°00' W	93.1 m	to corner 35;
Thence	N 89°40' W	137.8 m	to corner 36;
Thence	S 00°30' W	71.7 m	to corner 37;
Thence	S 18°20' W	236.8 m	to corner 38;
Thence	S 11°30' W	190.3 m	to corner 39;
Thence	S 80°20' W	176.9 m	to corner 40;
Thence	N 65°00' W	410.7 m	to corner 41;
Thence	N 65°00' W	667.4 m	to corner 42;
Thence	N 65°00' W	515.4 m	to corner 43;
Thence	N 29°15' W	867.5 m	to corner 44;
Thence	N 34°15' W	63.2 m	to corner 45;

Thence	N 59°00' E	162.9 m	to corner 46;
Thence	N 22°00' W	202.4 m	to corner 47;
Thence	S 87°10' W	128.0 m	to corner 48;
Thence	S 55°20' W	74.1 m	to corner 49;
Thence	N 55°15' W	51.3 m	to corner 50;
Thence	N 30°30' W	374.8 m	to corner 51;
Thence	N 74°10' E	290.0 m	to corner 52;
Thence	N 79°30' W	356.5 m	to corner 53;
Thence	N 24°00' E	325.6 m	to corner 54.;
Thence	S 83°00' W	131.8 m	to corner 55;
Thence	N 44°00' W	153.5 m	to corner 56;
Thence	S 85°00' E	282.7 m	to corner 57;
Thence	S 70°03' E	299.8 m	to corner 58;
Thence	S 83°56' E	209.8 m	to corner 59;
Thence	N 08°00' W	109.5 m	to corner 60;
Thence	N 67°05' E	92.9 m	to corner 61;
Thence	S 34°56' E	119.6 m	to corner 62;
Thence	N 22°00' E	190.6 m	to corner 63;
Thence	N 18°00' E	114.1 m	to corner 64;
Thence	N 07°00' W	179.9 m	to corner 65;
Thence	N 82°00' E	743.8 m	to corner 66;
Thence	N 37°30' E	317.9 m	to corner 67;
Thence	N 39°00' E	87.0 m	to corner 68;
Thence	N 66°43' E	514.8 m	to corner 69;
Thence	N 09°50' E	189.1 m	to corner 70;
Thence	N 77°33' E	246.5 m	to corner 71;
Thence	N 79°05' E	442.3 m	to corner 72;
Thence	S 42°45' E	305.0 m	to corner 73;
Thence	S 60°33' E	245.5 m	to corner 74;
Thence	N 50°20' E	214.3 m	to corner 75;
Thence	S 50°30' E	498.7 m	to corner 76;
Thence	S 06°30' W	86.7 m	to corner 77;
Thence	S 88°05' E	192.4 m	to corner 78;
Thence	S 62°00' E	300.0 m	to corner 79;

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Thence	S 12°37' W	276.6 m	to corner 80;
Thence	S 14°20' E	150.9 m	to corner 81;
Thence	N 37°00' E	174.2 m	to corner 82;
Thence	N 67°00' E	247.8 m	to corner 83;
Thence	S 50°00' E	221.3 m	to corner 84;
Thence	N 62°14' E	490.8 m	to corner 85;
Thence	N 41°35' E	1585.3 m	to corner 86;
Thence	N 14°14' E	500.3 m	to corner 87;
Thence	S 50°00' E	173.1 m	to corner 88;
Thence	N 09°37' W	396.4 m	to corner 89;
Thence	N 15°33' E	178.8 m	to corner 90;
Thence	N 66°00' E	225.6 m	to corner 91;
Thence	N 07°02' E	316.9 m	to corner 92;
Thence	N 83°28' E	940.0 m	to corner 93;
Thence	N 46°24' E	83.4 m	to corner 94;
Thence	S 44°03' E	145.0 m	to corner 95;
Thence	N 35°16' E	97.4 m	to corner 96;
Thence	N 38°09' W	157.8 m	to corner 97;
Thence	N 47°01' E	307.4 m	to corner 98;
Thence	N 45°32' E	265.7 m	to corner 99;
Thence	S 40°53' E	69.4 m	to corner 100;
Thence	N 49°43' E	110.5 m	to corner 101;
Thence	S 78°23' E	68.3 m	to corner 102;
Thence	N 58°07' E	176.5 m	to corner 103;
Thence	N 37°30' E	147.3 m	to corner 104;
Thence	N 56°51' W	175.2 m	to corner 105;
Thence	N 47°19' E	278.4 m	to corner 106;
Thence	N 47°14' E	331.0 m	to corner 107;
Thence	N 85°01' E	192.0 m	to corner 108;
Thence	S 04°19' E	267.3 m	to corner 109;
Thence	S 77°46' E	102.2 m	to corner 110;
Thence	S 04°50' E	290.5 m	to corner m;
Thence	S 79°05' E	58.5 m	to corner 112;
Thence	N 03°05' E	217.2 m	to corner 113;

Thence	N 48°21' E	185.2 m	to corner 114;
Thence	S 27°17' E	158.5 m	to corner 115;
Thence	S 55°12' E	m.2 m	to corner 116;
Thence	N 50°34' E	258.8 m	to corner 117;
Thence	S 51°01' E	56.2 m	to corner 118;
Thence	N 19°37' E	163.2 m	to corner 119;
Thence	N 60°38' E	192.6 m	to corner 120;
Thence	N 07°58' E	130.1 m	to corner 121;
Thence	N 52°30' E	224.0 m	to corner 122;
Thence	S 39°39' E	215.0 m	to corner 123;
Thence	N 76°29' E	156.1 m	to corner 124;
Thence	S 62°27' E	488.9 m	to corner 125;
Thence	S 62°42' E	913.0 m	to corner 126;
Thence	S 47°41' E	496.0 m	to corner 127;
Thence	S 62°16' E	616.1 m	to corner 128;
Thence	S 62°26' E	500.9 m	to corner 129;
Thence	S 61°56' E	545.3 m	to corner 130;
Thence	S 62°32' W	552.9 m	to corner 131;
Thence	S 71°14' W	449.6 m	to corner 132;
Thence	S 17°45' E	446.6 m	to corner 133;
Thence	N 83°11' E	251.0 m	to corner 134;
Thence	N 34°23' E	818.2 m	to corner 135;
Thence	N 81°39' E	309.5 m	to corner 136;
Thence	S 61°52' E	159.1 m	to corner 137;
Thence	S 42°09' W	391.2 m	to corner 138;
Thence	S 09°32' E	594.1 m	to corner 139;
Thence	N 71°03' E	669.9 m	to corner 140;
Thence	S 22°57' E	496.3 m	to corner 141;
Thence	S 46°52' W	70.2 m	to corner 142;
Thence	S 31°00' E	115.8 m	to corner 143;
Thence	N 56°19' E	50.9 m	to corner 144;
Thence	S 22°53' E	818.9 m	to corner 145;
Thence	S 23°03' E	1136.6 m	to corner 146;
Thence	S 43°30' W	254.8 m	to corner 147;

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Thence	N 65°47' W	902.9 m	to corner 148;
Thence	S 13°55' W	330.7 m	to corner 149;
Thence	S 64°46' E	728.4 m	to corner 150;
Thence	S 42°57' W	269.1 m	to corner 151;
Thence	S 43°04' W	292.6 m	to corner 152;
Thence	N 81°38' W	53.9 m	to corner 153;
Thence	N 27°56' W	262.5 m	to corner 154;
Thence	S 09°33' E	292.5 m	to corner 155;
Thence	N 61°59' W	119.3 m	to corner 156;
Thence	S 04°43' W	350.4 m	to corner 157;
Thence	S 43°04' W	280.7 m	to corner 158;
Thence	S 23°14' E	2180.0 m	to corner 159;
Thence	S 61°58' W	2545.0 m	to corner 160;
Thence	N 40°13' W	695.0 m	to corner 161;
Thence	S 39°12' W	810.8 m	to corner 162;
Thence	N 42°45' W	3.7 m	to corner 163;
Thence	S 60°28' W	59.4 m	to corner 164;
Thence	N 33°37' W	14.2 m	to corner 165;
Thence	S 55°32' W	93.3 m	to corner 166;
Thence	S 44°07' E	65.5 m	to corner 167;
Thence	S 39°12' W	320.0 m	to corner 168;
Thence	S 39°12' W	434.0 m	to corner: 169;
Thence	N 50°49' W	184.0 m	to corner 170;
Thence	S 39°20' W	190.0 m	to corner 171;
Thence	S 50°49' E	180.0 m	to corner 172;
Thence	S 30°20' E	2.9 m	to corner 173;
Thence	S 39°12' W	320.0 m	to corner 174;
Thence	S 10°46' W	1424.0 m	to corner 175;
Thence	N 89°39' W	360.0 m	to corner 176;
Thence	N 01°14' W	41.3 m	to corner 177;
Thence	N 33°57' E	51.7 m	to corner 178;
Thence	N 49°56' E	41.4 m	to corner 179;
Thence	N 09°35' E	51.0 m	to corner 180;
Thence	N 45°12' W	61.8 m	to corner 181;

Thence	N 05°15' W	39.8 m	to corner 182;
Thence	N 10°53' E	41.3 m	to corner 183;
Thence	N 53°14' E	64.9 m	to corner 184;
Thence	N 01°44' E	85.7 m	to corner 185;
Thence	N 0°37' W	49.6 m	to corner 186;
Thence	N 54°32' W	52.8 m	to corner 187;
Thence	N 23°48' W	41.8 m	to corner 188;
Thence	N 22°34' W	67.5 m	to corner 189;
Thence	N 23°39' W	17.6 m	to corner 190;
Thence	N 35°13' E	52.5 m	to corner 191;
Thence	N 45°24' E	45.8 m	to corner 192;
Thence	N 16°31' E	40.7 m	to corner 193;
Thence	N 28°32' E	31.7 m	to corner 194;
Thence	N 25°20' E	19.5 m	to corner 195;
Thence	N 57°23' E	21.8 m	to corner 196;
Thence	N 05°28' W	13.2 m	to corner 197;
Thence	S 41°56' W	24.9 m	to corner 198;
Thence	S 53°03' W	28.6 m	to corner 199;
Thence	N 85°30' W	24.6 m	to corner 200;
Thence	N 65°54' W	44.0 m	to corner 201;
Thence	N 46°33' W	57.1 m	to corner 202;
Thence	N 77°34' W	28.1 m	to corner 203;
Thence	S 80°07' W	45.0 m	to corner 204;
Thence	S 87°03' W	55.0 m	to corner 205;
Thence	N 54°37' W	52.5 m	to corner 206;
Thence	N 23°12' W	31.3 m	to corner 207;
Thence	N 03°36' W	45.7 m	to corner 208;
Thence	N 29°40' E	42.8 m	to corner 209;
Thence	N 10°40' E	34.7 m	to corner 210;
Thence	N 80°20' W	45.0 m	to corner 211;
Thence	N 51°19' W	25.5 m	to corner 212;
Thence	N 36°49' W	121.3 m	to corner 213;
Thence	N 03°19' W	36.3 m	to corner 214;
Thence	N 61°19' E	58.3 m	to corner 215;

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Thence	N 29°10' W	35.8 m	to corner 216;
Thence	N 62°14' W	33.1 m	to corner 217;
Thence	N 49°08' W	92.7 m	to corner 218;
Thence	S 76°58' W	204.0 m	to corner 219;
Thence	N 73°52' W	27.7 m	to corner 220;
Thence	S 54°55' W	850.0 m	to corner 221;
Thence	S 18°57' W	73.8 m	to corner 222;
Thence	S 36°53' E	50.3 m	to corner 223;
Thence	S 30°02' E	203.4 m	to corner 224;
Thence	S 24°02' E	62.4 m	to corner 225;
Thence	S 64°39' W	9.0 m	to corner 226;
Thence	S 52°57' W	262.8 m	to corner 227;
Thence	S 19°55' E	198.1 m	to corner 228;
Thence	S 22°01' E	29.5 m	to corner 229;
Thence	N 89°39' W	67.4 m	to corner 230;
Thence	N 26°05' W	423.5 m	to corner 231;
Thence	N 09°20' W	159.2 m	to corner 232;
Thence	N 19°01' W	247.0 m	to corner 233;
Thence	S 77°53' W	77.0 m	to corner 234;
Thence	S 20°34' E	155.8 m	to corner 235;
Thence	S 22°48' E	80.7 m	to corner 236;
Thence	S 16°59' E	124.3 m	to corner 237;
Thence	S 32°07' E	74.5 m	to corner 238;
Thence	S 09°20' E	183.7 m	to corner 239;
Thence	S 07°36' E	156.9 m	to corner 240;
Thence	N 86°15' W	650.0 m	to corner 241;
Thence	N 10°50' E	211.8 m	to corner 242;
Thence	N 65°04' W	266.0 m	to corner 243;
Thence	N 59°22' W	365.4 m	to corner 244;
Thence	N 14°28' W	342.6 m	to corner 245;
Thence	S 77°46' W	730.0 m	to corner 246;
Thence	S 00°20' E	60.4 m	to corner 247;
Thence	S 13°07' W	37.0 m	to corner 248;
Thence	S 25°52' E	38.0 m	to corner 249;

Thence	S 46°20' E	93.5 m	to corner 250;
Thence	S 73°14' W	35.3 m	to corner 251;
Thence	S 35°04' W	47.5 m	to corner 252;
Thence	S 39°16' W	107.2 m	to corner 253;
Thence	S 08°53' E	54.4 m	to corner 254;
Thence	S 50°03' E	86.1 m	to corner 255;
Thence	S 07°34' E	54.5 m	to corner 256;
Thence	S 45°34' W	53.2 m	to corner 257;
Thence	S 04°17' W	38.9 m	to corner 258;
Thence	N 73°02' W	719.0 m	to corner 259;
Thence	N 15°50' E	2626.4 m	to corner 260;
Thence	N 80°01' W	287.3 m	to corner 261;
Thence	S 14°51' W	2592.8 m	to corner 262;
Thence	N 73°02' W	543.4 m	to corner 263;
Thence	N 40°18' W	171.0 m	to corner 264;
Thence	N 17°19' W	99.2 m	to corner 265;
Thence	N 35°22' E	613.2 m	to corner 266;
Thence	N 26°46' E	682.9 m	to corner 267;
Thence	N 45°53' E	408.3 m	to corner 268;
Thence	N 22°49' E	514.7 m	to corner 269;
Thence	N 30°10' W	237.0 m	to corner 270;
Thence	N 48°40' W	575.4 m	to corner 271;
Thence	N 38°10' W	228.6 m	to corner 272;
Thence	S 13°54' W	227.8 m	to corner 273;
Thence	S 27°14' E	88.9 m	to corner 274;
Thence	S 00°53' W	155.0 m	to corner 275;
Thence	S 27°06' W	301.3 m	to corner 276;
Thence	S 29°14' W	128.8 m	to corner 277;
Thence	S 23°30' W	33.5 m	to corner 278;
Thence	N 49°12' W	289.7 m	to corner 279;
Thence	S 43°16' W	79.7 m	to corner 280;
Thence	N 82°15' W	145.0 m	to corner 281;
Thence	N 16°52' W	78.0 m	to corner 282;
Thence	S 81°44' W	72.5 m	to corner 283;

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Thence	S 39°00' W	258.9 m	to corner 284;
Thence	S 53°04' W	103.1 m	to corner 285;
Thence	S 66°43' W	228.7 m	to corner 286;
Thence	S 34°07' W	86.7 m	to corner 287;
Thence	N 61°30' W	79.0 m	to corner 288;
Thence	S 54°27' W	87.2 m	to corner 289;
Thence	S 31°03' W	176.7 m	to corner 290;
Thence	S 86°07' W	574.8 m	to corner 291;
Thence	S 89°35' W	149.4 m	to corner 292;
Thence	N 19°30' E	249.0 m	to corner 1;

the point of beginning containing an area of 10,784.05 hectares.

Parcel II

Beginning at a point marked "1", which is N 07°57' E, 8,766.30 meters from BLLM No. 1 of the Municipality of Candelaria, Province of Quezon:

Thence	N 38°45' E	229.9 m	to corner 2;
Thence	N 47°18' E	137.0 m	to corner 3;
Thence	N 16°42' W	188.8 m	to corner 4;
Thence	N 02°20' W	202.7 m	to corner 5;
Thence	N 55°26' E	327.5 m	to corner 6;
Thence	N 59°29' E	120.8 m	to corner 7;
Thence	N 59°29' E	218.8 m	to corner 8;
Thence	N 35°20' E	466.8 m	to corner 9;
Thence	S 29°12' E	160.3 m	to corner 10;
Thence	S 07°24' W	327.2 m	to corner 11;
Thence	S 07°45' E	140.1 m	to corner 12;
Thence	S 43°47' E	47.7 m	to corner 13;
Thence	N 86°04' E	272.5 m	to corner 14;
Thence	S 64°38' W	83.7 m	to corner 15;
Thence	S 37°41' W	178.3 m	to corner 16;
Thence	S 32°56' E	226.4 m	to corner 17;
Thence	S 21°36' W	104.3 m	to corner 18;
Thence	S 02°35' W	72.9 m	to corner 19;
Thence	S 58°00' W	166.2 m	to corner 20;
Thence	S 40°54' W	228.3 m	to corner 21;

Thence	S 05°14' E	49.3 m	to corner 22;
Thence	S 81°03' W	919.0 m	to corner 23;
Thence	N 49°42' W	231.6 m	to corner 1;

the point of beginning containing an area of 116.54 hectares.

The Mts. Banahaw-San Cristobal Protected Landscape shall cover a total land area of 10,900.59 hectares.

The Department of Environment and Natural Resources (DENR) shall appropriately mark on the ground the technical descriptions provided in this Act with clearly visible markers and shall prepare appropriate maps therefor. Any modification of the coverage of this Act due to such factors as changing ecological situations, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the affected public and concerned government agencies.

SEC. 4. Land Classification. – All lands comprising the Mts. Banahaw-San Cristobal Protected Landscape (MBSCPL) shall fall under the classification of National Park as provided for in the Philippine Constitution.

SEC. 5. Buffer Zones. – Buffer zones surrounding the MBSCPL shall be established pursuant to the NIPAS Act for the purpose of providing an extra layer of protection around the area, where restrictions can apply and communities can assist in repealing threats to the MBSCPL. Such buffer zones shall be managed according to the management plan formulated pursuant to this Act.

SEC. 6. Definition of Terms. – For purposes of this Act, the following terms are defined as follows:

- a. “Biodiversity” refers to variety and variability among living organisms and the ecological complexes in which said organisms occur.
- b. “Biological Resources” include genetic resources, organisms or parts thereof, population, or any other biotic component of ecosystems with actual or potential use or value for humanity.
- c. “Bioprospecting” means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes.
- d. “Buffer Zones” refer to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area.
- e. “By - products or Derivatives” mean any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens.
- f. “Collection or collecting” refers to the act of gathering or harvesting wildlife, its by-products or derivatives.
- g. “Conservation” means sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat.
- h. “Ecosystem” means the dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.
- i. “Endangered Species” refer to species or subspecies that are not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating.

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- j. "Endemic Species" refer to species or subspecies of flora and fauna which are naturally occurring and found only within specific areas in the country.
- k. "Exotic Species" refer to species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time.
- l. "Habitat" means a place or type of environment where species or subspecies naturally occurs or has naturally established its population.
- m. "Hunting" refers to collection of wild fauna for food and/or recreational purposes with the use of weapons such as guns, bow and arrow, spear and the like.
- n. "Management Board" refers to the Management Board of the MBSCPL.
- o. "Management Plan" refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the MBSCPL in order to attain the objectives of this Act.
- p. "MBSCPL" refers to the Mts. Banahaw-San Cristobal Protected Landscape.
- q. "MBSCPL Fund" refers to the revolving fund to be established for the purpose of financing projects in the MBSCPL.
- r. "Mineral" refers to all naturally occurring inorganic substance in solid, gas, liquid, or any intermediate state including energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy.
- s. "Multiple-Use Zone" refers to an area where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction activities and other income-generating or livelihood activities, may be allowed to the extent prescribed in the management plan.
- t. "National Integrated Protected Areas System (NIPAS)" refers to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.
- u. "NIPAS Act" refers to the National Integrated Protected Areas System (NIPAS) Act of 1992 or Republic Act No. 7586, and its implementing rules and regulations.
- v. "National Park" refers to the land of the public domain classified as such in the 1987 Constitution which includes all areas under the National Integrated Protected Areas System (NIPAS) pursuant to Republic Act No. 7586 primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity.
- w. "Nongovernmental Organization (NGO)" refers to an agency, institution, foundation or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.
- x. "People's Organization (PO)" refers to a group of organized migrant communities and/or interested indigenous peoples which may be an association, cooperative, federation, or other legal entity, established to undertake collective action to address community concerns and needs, and mutually share the benefits of the endeavor.
- y. "Protected Area" refers to identified portions of land and/or water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- z. "Protected Area Management Board (PAMB)" refers to a multi- sectoral policy-making body created in accordance with Republic Act No. 7586 or the NIPAS Act of 1992.

- aa. "Protected Area Superintendent (PASu)" refers to the chief operating DENR officer of the MBSCPL.
- bb. "Protected Landscape" refers to an area of national significance, which is characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of the area.
- cc. "Quarrying" means the process of extracting, removing and disposing quarry resources found on or underneath the surface of private or public land.
- dd. "Special Use Zone" refers to an area containing existing installations of national significance, such as telecommunications facilities, irrigation canals or electric power lines.
- ee. "Strict Protection Zone" refers to a natural area with high biodiversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by the indigenous cultural communities/indigenous peoples; may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.
- ff. "Tenured Migrants" refer to forest occupants who have actually and continuously occupied a portion of the protected area for at least five years, and are solely dependent therein for subsistence, as of the passage of this Act. A protected area occupant is understood to be "solely dependent for subsistence" when everything indispensable for survival for the household, including food, clothing, shelter and health, comes only from the utilization of resources from the protected area.
- gg. "Wildlife" means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated.

Sec. 7. Management Plan. – There shall be a Management Plan promulgated for the MBSCPL that shall serve as the basic long-term framework plan in the management of the protected area and guide in the preparation of its annual operations plan and budget.

Within one year from the effectivity of this Act, the Management Plan shall have been put into effect following the general management planning strategy provided for under the NIPAS Act and according to the procedure herein set forth. It shall contain, among others, the following:

- a. The category of the protected area;
- b. Period of applicability of the plan;
- c. Key management issues;
- d. Goals and objectives of management in support of Section 2 hereof;
- e. Site management strategy;
- f. Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable-use management, infrastructure development and maintenance, and fire and pest control;
- g. Zoning; and
- h. Visitor management programs.

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

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modify the protection and conservation plan, after consultation with the PAMB, prior to certification to ensure conformity with applicable laws, rules and regulations.

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

SEC. 8. Management of the Mts. Banahaw - Sar Cristobal, Protected Landscape (MBSCPL). – There is hereby created a PAMB which shall have jurisdiction, power and authority over the MBSCPL for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of:

- a. The Regional Executive Director (RED) of DENR Region IV - A as chairperson;
- b. The Provincial Planning and Development Officer (PPDO) of the Province of Quezon or Provincial Government Environment and Natural Resources Officer subject to the designation of the Provincial Governor;
- c. The Provincial Planning and Development Officer (PPDO) - of the Province of Laguna or Provincial Government Environment And Natural Resources Officer subject to the designation of the Provincial Governor;
- d. The municipal mayors of Sariaya, Candelaria, Dolores, Lucban and Tayabas in the Province of Quezon, or their duly designated representatives;
- e. The municipal mayors of Rizal, Nagcarlan, Liliw, Majayjay, and City Mayor of San Pablo City in the Province of Laguna, or their duly designated representatives;
- f. The ABC president from each municipality/city covering the MBSCPL;
- g. One representative from each department or national government agency directly involved in the MBSCPL or has long term projects or permanent facility located therein;
- h. One representative of the National Power Corporation (NPC);
- i. At least one representative from an accredited NGO operating in the MBSCPL, which has been existing for five years with track records related to the protection and management of the MBSCPL;
- j. At least one representative from an accredited PO operating in the MBSCPL, which has been existing for five years with track records related to the protection and management of the MBSCPL;
- k. One representative from academic institutions directly involved in the protection and management of the MBSCPL; and
- l. At least one representative from the various religious groups whose religious practices are directly linked with the MBSCPL and which have been existing for five years with track records related to the protection and management of the MBSCPL.

Each member of the PAMB shall serve for a term of five years and shall be considered to represent his or her sector and deemed to carry the vote of such sector in all matters. In the case of members who are government officials, their appointment shall be coterminus with their term of office.

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

The representatives from the local government units (LGUs) and national agencies in the PAMB shall include among their duties, the duty to inform their respective constituents, office or sector, of PAMB-approved or other relevant policies, rules, regulations, programs and projects, and to ensure that the provisions of this Act, the NIPAS Act and its implementing rules and regulations are observed, complied with, and used as reference and framework in their respective plans, policies, programs and projects. Failure to comply with the foregoing shall subject such representative to disciplinary action as the PAMB may provide.

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

SEC. 9. Powers and Functions of the PAMB. – The PAMB of the MBSCPL, which shall decide by consensus or majority vote of the members present constituting a quorum of majority of all the members, shall have the following powers and functions in addition to those provided under Republic Act No. 7586 or the NIPAS Act of 1992 and its implementing rules and regulations:

- a. Issue rules and regulations to prohibit acts that may be prejudicial to the MBSCPL and to the declaration of policy set forth under the NIPAS;
- b. Issue rules and regulations for the resolution of conflicts through appropriate and effective means;
- c. Adopt rules and procedures in the conduct of business, including the creation of committees to which its powers may be delegated;
- d. Approve the management plan and oversee the office of the PASu;
- e. Establish criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;
- f. Recommend the deputization of appropriate individuals for the enforcement of the laws, rules and regulations governing the conduct or management of the MBSCPL;
- g. Approve fees and charges in accordance with existing guidelines and raise funds for the MBSCPL;
- h. Manage the allocation of the MBSCPL Fund, and other funds for the MBSCPL, ensure their proper administration and render accounting; and
- i. Recommend appropriate policy changes to the DENR and other government authorities.

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

SEC. 10. The Protected Area Superintendent (PASu) Office. – There is hereby established a PASu Office within the DENR Regional Office to be in charge of the management, protection and administration of the MBSCPL. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the MBSCPL and shall be directly accountable to the PAMB.

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

- a. Establish, operate and maintain a database management system as decision support tool;
- b. Prepare the management plans as herein defined;
- c. Provide a secretariat for the PAMB and supply the PAMB with all the necessary information to make appropriate decisions for the implementation of this Act;
- d. Enforce the laws, rules and regulations relevant to the MBSCPL, institute and file legal action independently or in collaboration with other government agencies or organizations and assist in the prosecution of offenses committed in violation of this Act;
- e. Monitor all activities within the MBSCPL to ensure its conformity with the management plan;
- f. Recommend the issuance of permits based on terms, conditions and criteria established by the PAMB;
- g. Ensure the integration of the MBSCPL management policies, regulations, programs and projects at all the concerned national and local government unit levels; and
- h. Perform such other functions as the PAMB may delegate.

The PASu shall be supported by a sufficient number of personnel who shall be performing day to day management, protection and administration of the MBSCPL. Upon the recommendation of the PAMB, the DENR Regional Executive Director shall deputize local community leaders and environment and natural resources officers.

Sec. 11. Pilgrimage. – People who enter the MBSCPL for cultural and religious purposes and other activities that have a benign impact on the sustainability and biodiversity of the area shall be regulated by the PAMB. For such purpose, the PAMB shall designate parts of the MBSCPL where cultural and religious activities are allowed under terms and conditions pursuant to Section 7 of this Act.

Sec. 12. Mts. Banahaw - San Cristobal Protected Landscape Fund. – There is hereby established a revolving fund to be known as the MBSCPL Fund for purposes of financing projects in the MBSCPL.

Income shall be derived from fees from visitors/tourists, fees from permitted sale and export of flora and fauna and other resources from the MBSCPL, proceeds from the registration and lease of multiple-use areas, including tourism concessions, fees, proceeds, and contributions from industries and facilities directly benefiting the MBSCPL, and such other fees and income derived from the operation of the MBSCPL: *Provided*, That the 75 percent shall be set aside and retained by the PAMB which shall appropriate the same exclusively for the management and operation of the MBSCPL: *Provided, further*, That the remaining 25 percent shall be remitted to the central Integrated Protected Areas Fund (IPAF).

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

The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits and rentals of LGUs facilities. *Provided*, That the

LGUs shall not impose property tax and issue new tax declaration for areas covered by the MBSCPL. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons shall be based on the contribution of the LGUs in the maintenance and protection of the MBSCPL.

SEC. 13. Tenured Migrants and Other MBSCPL Stakeholders. – Tenured migrants shall be eligible to become stewards of portions of lands within allowable zones. The PAMB shall identify, verify and review all tenurial instruments, land claims, and issuances of permits for resource use within the MBSCPL and recommend the issuance of the appropriate tenure instrument consistent with the zoning provided in the Management Plan.

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

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

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

SEC. 14. Existing Facilities Within the MBSCPL. – Within 60 days from the effectivity of this Act, existing facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipment, and irrigation facilities existing within the boundaries of the MBSCPL shall submit project descriptions to the PAMB through the PASu.

The PAMB, with the assistance of the DENR, shall determine whether the existence of such facility and its future plan and operations will be detrimental to the MBSCPL or whether conditions for its operation shall be imposed. If any such conditions are violated, the owner of the facility shall be liable to pay a fine of Five Thousand Pesos (P5,000) for every violation. Upon reaching a total fine of Five Hundred Thousand Pesos (P500,000), the PAMB through the PASu and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owner.

Existing facilities allowed to remain within the MBSCPL may be charged a reasonable royalty by the PAMB. All income from such royalty shall accrue to the MBSCPL Fund.

SEC. 15. Renewable and Nonrenewable Resources. – Any exploration and exploitation or utilization of nonrenewable resources including mining within the MBSCPL shall not be allowed. Renewable energy projects within the MBSCPL shall be permitted only through an act of Congress except energy from wind, sun and water sources and not more than three megawatt capacity for mini-hydro power: *Provided*, That these renewable energy projects are outside the strict protection zone, adopt reduced impact technologies, and undergo the Environmental Impact Assessment (EIA) system as provided by law and: *Provided, further*, That the PAMB has endorsed the project.

SEC. 16. Special Prosecutor and Retained Counsel. – Within 30 days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations in the MBSCPL 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 procedures. The PAMB may retain the services of counsel to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor and to defend the members of the PAMB, the PASu and the staff, or any person

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assisting in the protection, conservation and sustainable development of the MBSCPL, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the PAMB.

SEC. 17. Local Government Units. – The local government units (LGUs) within the MBSCPL shall participate in its management through representation in the PAMB as provided under Section 8 hereof. Said LGUs may appropriate portions of their share from the annual internal revenue allotment and other income for use of the MBSCPL: *Provided*, That all funds directly coming from the LGUs shall be exempted from the 25 percent remittance requirement for the central Integrated Protected Areas Fund (IPAF).

SEC. 18. Prohibited Acts and Penalties. – The following shall be the prohibitions and penalties applicable to the MBSCPL, in addition to the prohibited acts as provided in the NIPAS Act and its implementing rules and regulations:

- a. The penalties and qualifications prescribed in Articles 309 and 310 of the Revised Penal Code, depending on the value of the resources involved in connection with the prohibited act or a fine of at least triple the value of the said resources, or both, shall be imposed upon any person who:
 1. Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic plants or animals, flora or fauna, sand, rocks or by-products derived therefrom, within particularly identified regulated or prohibited areas or zones in the MBSCPL including private lands without the necessary permit, authorization or exemption: *Provided*, That hunting of animals shall be absolutely prohibited except for scientific research;
 2. Cuts, gathers, removes or collects timber or any forest products, within particularly identified regulated or prohibited areas or zones in the MBSCPL including private lands without the necessary permit, authorization or exemption;
 3. Possesses or transports, within or outside the MBSCPL any timber, forest products, wild terrestrial or aquatic plants, animals, or by-products derived therefrom which is ascertained to have been taken from the MBSCPL;
 4. Undertakes mineral exploration or extraction within the MBSCPL;
 5. Engages in quarrying of sand, gravel, guano, limestone or any material within the MBSCPL;
 6. Hunts, collects, removes or destroys any endangered or protected species, except when collection or removal is for scientific research and exempted from the prohibition by the PAMB;
 7. Conducts bioprospecting within the MBSCPL without prior PAMB approval in accordance with existing guidelines;
 8. Engages in *kaingin* or, in any manner, causing forest fires inside the MBSCPL; or
 9. Establishes or introduces any exotic species, within the MBSCPL, which are detrimental to endemic species and the ecosystem therein.
- b. A fine of not less than Five Thousand Pesos (P5,000) but not more than Five Hundred Thousand Pesos (P500,000) or imprisonment of one year but not more than six years, or both, shall be imposed upon any person who:
 1. Violates any rules and regulations in the management plan or by the PAMB or agreements reached before the PAMB in the exercise of adjudicative functions;
 2. Erects any structure on land or on water for any purposes outside the management plan, duly allowed by the PAMB: *Provided*, That large-scale private infrastructure and other projects such

as medium to high density residential subdivisions, medium to large commercial and industrial establishments, golf courses, heavily mechanized commercial and nontraditional farming, and other activities that cause increased in-migration and resource degradation are absolutely prohibited;

3. Possesses a chain saw, hacksaw and other mechanized equipment within the MBSCPL without a permit;
4. Throws, dumps or causes to be dumped into the MBSCPL any non - biodegradable material or waste whether liquid, solid or gas;
5. Uses, dumps, places or causes to be placed into the MBSCPL toxic chemicals and non - biodegradable products, including pesticides and other hazardous substances, soaps and shampoos, and washing detergents, unless the same is expressly allowed in the management plan;
6. Prospects, hunts or otherwise locates hidden treasures within the MBSCPL;
7. Informally occupies or dwells in any land within the MBSCPL without clearance from the PAMB;
8. Possesses or uses blasting caps or explosives anywhere within the MBSCPL;
9. Destroys, excavates, vandalizes or, in any manner, damages any natural formation on land, religious, spiritual, historical sites, artifacts and other objects of natural or scenic value;
10. Alters, removes or destroys boundary marks or signs;
11. Purchases or sells, mortgages or leases lands or other portions of the MBSCPL which are covered by any tenurial instrument.

Valuation of the damage for this Act shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. Valuation assessed by the DENR or the concerned government agency shall be presumed correct unless otherwise proven by preponderant evidence.

Any person who shall induce another or conspire to commit any of the illegal acts prohibited in this Act or suffer their workers to commit any of the same shall be liable in the same manner as the one actually performing the act.

All conveyances, vessels, equipment, paraphernalia, implements, gears, tools and similar devices shall be subject to immediate and administrative confiscation, independent of the judicial proceedings by the PASu Office upon apprehension, subject however to due process and substantial evidence requirements. When legal action is however, filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gears, tools and similar devices, independent of the administrative proceedings, shall not be released until after judgment has been rendered. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the MBSCPL Fund. Procedure for the sale thereof shall be promulgated by the PAMB. 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, subject to existing regulations.

The penalties specified in this section shall be in addition to the penalties contained in Republic Act No. 9072 (National Caves and Cave Resources Management and Protection Act), Republic Act No. 9147 (Wildlife Resources Conservation and Protection Act), and other related laws.

Conviction for any offense under this Act of a public officer or officer of the law shall carry the accessory penalty of perpetual disqualification from public office.

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SEC. 19. *Reporting Responsibility.* – The PASu, through the PAMB, shall submit an annual accomplishment report to the Secretary of the DENR on the activities undertaken in the MBSCPL.

SEC. 20. *Appropriations.* – The Secretary of the DENR shall immediately include in the DENR's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 21. *Construction and Suppletory Application of Existing Laws.* – The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the MBSCPL and the conservation and restoration of its biological diversity, taking into account the needs and interests of qualified tenured migrants, for present and future Filipino generations.

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

SEC. 22. *Transitory Provision.* – In order to ensure the recovery and restoration of biological diversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any other instrument that allows exploitation and utilization of resources within the MBSCPL until the Management Plan shall have been put into effect.

All existing land-use and resource-use permits within the MBSCPL shall be reviewed and shall not be renewed upon their expiration unless consistent with the Management Plan and approved by the PAMB.

SEC. 23. *Repealing Clause.* – For the purpose of this Act, the provisions of Republic Act No. 7586 or the NIPAS Act are hereby modified in accordance with the provisions herein. All other laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly. The prohibitions and penalties under the NIPAS Act are hereby superseded for the entire area covered by this Act.

SEC. 24. *Separability Clause.* – If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SEC. 25. *Effectivity Clause.* – This Act shall take effect immediately upon its complete publication in a national newspaper of general circulation available in the MBSCPL.

Approved: December 11, 2009.

REPUBLIC ACT No. 10023
AN ACT AUTHORIZING THE ISSUANCE OF FREE PATENTS TO RESIDENTIAL LANDS

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

SECTION 1. Qualifications. – Any Filipino citizen who is an actual occupant of a residential land may apply for a Free Patent Title under this Act: *Provided*, That in highly urbanized cities, the land should not exceed 200 square meters; in other cities, it should not exceed 500 square meters; in first class and second class municipalities, it should not exceed 750 square meters; and in all other municipalities, it should not exceed 1,000 square meters; *Provided, further*, That the land applied for is not needed for public service and/or public use.

SEC. 2. Coverage. – This Act shall cover all lands that are zoned as residential areas, including townsites as defined under the Public Land Act; *Provided*, That none of the provisions of Presidential Decree No. 705 shall be violated.

Zoned residential areas located inside a delisted military reservation or abandoned military camp, and those of local government units (LGUs) or townsites which preceded Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) law, shall also be covered by this Act.

SEC. 3. Application. – The application on the land applied for shall be supported by a map based on an actual survey conducted by a licensed geodetic engineer and approved by the Department of Environment and Natural Resources (DENR) and a technical description of the land applied for together with supporting affidavit of two disinterested persons who are residing in the barangay of the city or municipality where the land is located, attesting to the truth of the facts contained in the application to the effect that the applicant thereof has, either by himself or through his predecessor-in-interest, actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the land applied for at least 10 years and has complied with the requirements prescribed in Section 1 hereof.

SEC. 4. Special Patents. – Notwithstanding any provision of law to the contrary and subject to private rights, if any, public land actually occupied and used for public schools, municipal halls, public plazas or parks and other government institutions for public use or purpose may be issued special patents under the name of the national agency or LGU concerned: *Provided*, That all lands titled under this section shall not be disposed of unless sanctioned by Congress if owned by the national agency or sanctioned by the sanggunian concerned through an approved ordinance if owned by the LGU.

SEC. 5. Removal of Restrictions. – The restrictions regarding encumbrances, conveyances, transfers or dispositions imposed in Sections 118, 119, 121, 122 and 123 of Chapter XIII, Title VI of Commonwealth Act No. 141 as amended, shall not apply to patents issued under this Act.

SEC. 6. Period for Application. – All applications shall be filed immediately after the effectivity of this Act before the Community Environment and Natural Resources Office (CENRO) of the DENR. The CENRO is mandated to process the application within 120 days to include compliance with the required notices and other legal requirements, and forward this recommendation to the Provincial Environment and Natural Resources Office (PENRO), who shall have five days to approve or disapprove the patent. In case of approval, patent shall be issued; in case of conflicting claims among different claimants, the parties may seek the proper judicial remedies.

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SEC. 7. *Implementing Rules and Regulations.* – The Director of the Land Management Bureau of the Department of Environment and Natural Resources (DENR) shall promulgate rules and regulations to carry out the provisions of this Act, and shall see to it that such are gender-responsive.

SEC. 8. *Repealing Clause.* – All laws, decrees, executive order, executive issuances or letters of instruction, rules and regulations or any part thereof inconsistent with or contrary to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

SEC. 9. *Separability Clause.* – If, for any reason or reasons, any part or parts of this Act shall be declared unconstitutional or invalid by any competent court, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

SEC. 10. *Effectivity Clause.* – This Act shall take effect 15 days after its publication in two national newspapers of general circulation.

Approved: March 9, 2010.

REPUBLIC ACT No. 10067
AN ACT ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK IN THE PROVINCE OF PALAWAN
AS A PROTECTED AREA UNDER THE NIPAS ACT (RA No. 7586)
AND THE STRATEGIC ENVIRONMENTAL PLAN (SEP) FOR PALAWAN ACT (RA No. 7611),
PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. This Act shall be known and referred to as the “*Tubbataha Reefs Natural Park (TRNP) Act of 2009.*”

SEC 2. Declaration of Policy. – It shall be the declared policy of the State to ensure the protection and conservation of the globally significant economic, biological, sociocultural, educational, and scientific values of the Tubbataha Reefs into perpetuity for the enjoyment of present and future generations. These shall be pursued by managing the TRNP under a no-take policy and through a sustainable and participatory management, taking into consideration all applicable laws and international conventions to which the Philippines is a signatory.

It shall further be the policy of the State to promote the Tubbataha Reefs, with the end in view of fostering widespread awareness and concern for the same. Towards this end, the State shall undertake to carry out comprehensive and holistic promotions, training and information campaign programs for the benefit of the general public, in pursuance of the duty of the State to uphold the primacy of protecting, preserving and promoting these resources.

Finally, it shall be the policy of the State to encourage the participation of the private sector and the local government units in the protection, preservation and promotion of the Tubbataha Reefs.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

- (a) *Bioprospecting* refers to research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes.
- (b) *Buffer Zone* refers to the identified area outside the boundaries of and immediately adjacent to TRNP that needs special development control in order to avoid or minimize harm to the protected area.
- (c) *Commercial Fishers/Fisherfolk* refers to persons who catch fish and other fishery products using fishing vessels of more than 3 gross tons.
- (d) *Conservation Fees* refer to fees collected from authorized users of the TRNP.
- (e) *Corals* refers to all bottom dwelling animals under the phylum *Cnidaria*, which are a major part of the reef community. The definition includes four types of corals: (1) those that produce a hard skeleton out of calcium carbonate such as all scleractinian corals, the hydrozoan corals (firecorals), and the blue and red corals under the genera *Heliopora* and *Tubipora*; (2) the antipatharian or black corals with a rigid, chitinous skeleton; (3) the gorgonians with a horny and/or calcareous axis; and (4) the soft bodied anthozoans such as sea anemones, and the soft corals under the systematical group of *Alcyonaria* or *Octocorallia*.
- (f) *Exotic Species* refer to species or subspecies that do not naturally occur within the biogeographic region of the TRNP at present or in historical time.

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- (g) *Explosives* refer to dynamite or other chemical compounds that contain combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound will kill, stupefy, disable or render unconscious any species. It also refers to any other substance and/or device, including blasting caps or any other component or part of explosive devices, which causes an explosion that is capable of producing the said harmful effects on any resources and capable of damaging and altering the natural habitat.
- (h) *Gear* refers to any instrument or device and its accessories utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing or possessing resources within the TRNP.
- (i) *Kayakas* refers to the fishing method known as the local version of the *muro-ami* but smaller in size, using bamboo or trunk trees as scaring devices aside from coconut or other leaves or materials to drive the fishes and other marine resources out of the coral reefs, at the same time pounding the corals.
- (j) *Littering* refers to the disposal of small amounts of non-biodegradable solid waste materials such as, but not limited to, cigarette butts, candy wrappers, plastic materials, bottles and glasses in the TRNP.
- (k) *Management Plan* refers to the fundamental strategy and/or scheme which shall guide all activities relating to the TRNP in order to attain the objectives of this Act.
- (l) *Municipal Fishers/Fisherfolk* refers to persons who catch fish and other fishery products using fishing vessels of 3 gross tons or less, or whose fishing does not require the use of fishing vessels.
- (m) *Muro-ami* refers to the method used in reef fishing consisting of a movable bagnet, detachable wings and scarelines having plastic strips and iron/steel/stone weights, effecting fish capture by spreading the net in an arc around reefs or shoals and, with the use of the scarelines, a cordon of people drive the fish towards the waiting net while pounding the corals by means of heavy weights like iron/steel/stone or rock making it destructive to corals.
- (n) *Non-government Organization (NGO)* refers to any civic, developmental, environmental or philanthropic non-stock, nonprofit organization, duly registered, having bylaws, democratically-elected representatives, with qualifications, expertise and objectivity in activities concerning community organizing and development, or resource and environmental conservation, management and protection related to the protected area.
- (o) *Non-Renewable Resources* refer to those resources that cannot be remade, re-grown or regenerated on a scale comparative to its consumption.
- (p) *Noxious or Poisonous Substances* refer to any substance, plant extracts or juice thereof, sodium cyanide and/or cyanide compounds or, other chemicals either in raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any marine organism and capable of damaging and altering the natural habitat.
- (q) *PASu* refers to the Protected Area Superintendent of the TRNP.
- (r) *PCSD* refers to the Palawan Council for Sustainable Development as created under Republic Act No. 7611, otherwise known as the Strategic Environmental Plan for Palawan Act.
- (s) *People's Organization (PO)* refers to a group of people which may be an association, cooperative, federation, aggregation of individuals or groups with an identifiable structure of decision-making and accountability, established to undertake collective action to address community concerns and needs in relation to the protected area.

- (t) *Poaching* refers to fishing, gathering and/or purchase or possession of any fishery products within the TRNP by any foreign person, foreign corporation or foreign entity or operating any foreign fishing vessel by any person, corporation or entity within the TRNP.
- (u) *Protected Area* refers 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.
- (v) *Protected Species* refers to any plant or animal declared protected under Philippine laws, rules and regulations. These shall include all species listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna and all its Annexes, the Convention on the Conservation of Migratory Species, those specified under the red-list categories of the International Union for the Conservation of Nature and Natural Resources, or any plant or animal which the Tubbataha Protected Area Management Board (TPAMB), or any government agency may deem necessary for conservation and preservation in the TRNP.
- (w) *Purse Seine* refers to the gear characterized by encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or boats around the school of aquatic resources. The bottom of the net is pulled close with the purse line. The net is then pulled aboard the boat or boats until the resources are concentrated in the bunt or bag.
- (x) *Resources* refer to all natural endowments, whether aquatic or terrestrial, living or non-living, found in the TRNP.
- (y) *Stakeholders* refer to individuals, communities, agencies, institutions, organizations, aggrupations of specific interests or sectors which have particular interest in the achievement of the objectives of this Act, and/or enjoyment or utilization in any form of the resources within the TRNP.
- (z) *Trawl* refers to the gear consisting of a bag-shaped net which is dragged or towed along the bottom or through the water column to take aquatic resources by straining them from the water, including all variations and modifications of trawls in bottom, mid-water, baby trawls and tow nets.
- (aa) *TRNP* refers to the Tubbataha Reefs Natural Park.
- (bb) *Vessel* includes every description of watercraft, including non-displacement crafts and seaplanes, used or capable of being used as a means of transportation on water. It shall include everything found therein, except personal effects.
- (cc) *Waste* refers to discarded items of solid, liquid, contained gaseous or semi-solid form, from whatever source, which may cause or contribute to the deterioration of the resources or habitats in the TRNP.

SEC. 4. Scope and Coverage. – The Tubbataha Reef Natural Park (TRNP), which shall cover an approximate area of 97,030 hectares, including its islets, seabed and airspace, and which shall include the Tubbataha Reefs and the Jessie Beazley Reef in the Municipality of Cagayancillo in the Province of Palawan, is hereby declared as a protected area. Its boundaries shall be as follows:

	Latitude	Longitude
From	Pt. 1 9 04 52 N	119 46 10 E
to	Pt. 2 9 06 05 N	119 48 22 E
to	Pt. 3 8 58 09 N	120 03 12 E
to	Pt. 4 8 53 29 N	120 03 30 E

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to	Pt. 5 8 41 33 N	119 50 41 E
to	Pt. 6 8 43 09 N	119 45 46 E

to point 1, the point of beginning per the Philippine Reference System (PRS) 92 datum.

The Department of Environment and Natural Resources (DENR)-National Mapping and Resource Information Authority (NAMRIA) shall validate the technical descriptions provided in this Act through actual survey/demarcation.

The metes and bounds of the TRNP shall be indicated on maps and/or nautical charts. Any modification of the coverage of this Act due to such factors as changing ecological situation, new scientific or archeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the concerned government agencies.

Sec. 5. Establishment of a Buffer Zone. – There shall also be established a 10-nautical mile buffer zone from the TRNP, with the following coordinates:

Corner	Latitude	Longitude
1	9 17 49 N	119 47 42 E
2	9 04 48 N	120 12 40 E
3	8 49 42 N	120 13 54 E
4	8 29 42 N	119 53 04 E
5	8 36 13 N	119 35 22 E
6	9 11 08 N	119 36 35 E

to point 1, the point of beginning per the Philippine Reference System (PRS) 92 datum.

Sec. 6. Management of the TRNP. – The management and administration of the TRNP shall be vested with the TPAMB, as herein provided, and shall be consultative and participatory.

Sec. 7. Management Plan. – Within one year from the effectivity of this Act, there shall be an initial management plan to be prepared by the Tubbataha Management Office (TMO) in coordination with the local community and various stakeholders, the Palawan Council for Sustainable Development (PCSD), the Municipal Government of Cagayancillo, the Provincial Government of Palawan, with the assistance from the Department of Environment and Natural Resources (DENR) and the Bureau of Fisheries and Aquatic Resources (BFAR). The management plan shall contain, among others:

- (a) a period of applicability for 10 years subject to periodic review every three years;
- (b) goals and objectives of management in support of Section 2 hereof;
- (c) key management issues such as, but not limited to, issuance, screening and approval of all development and resource-use activities within the TRNP 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 the activities that can be allowed within the zones, including the buffer 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, pest and disease control, and disaster management;
- (f) mechanism for the protection, regulation and prohibition of those within the TRNP, in accordance with their rights; and

(g) mechanism to ensure consultative and participatory decision-making processes. The management plan shall be consistent with the nature of the TRNP as a protected area. It shall be reviewed and approved by the TPAMB, and submitted to the PCSD and the DENR.

SEC. 8. Zoning. – A zoning plan shall be adopted within the TRNP, giving primary consideration to the protection and conservation of all life forms in accordance with applicable laws, rules and regulations. Zoning shall also take into consideration the effective protection of habitats, fragile ecosystems and unique areas. The establishment and management of zones shall involve the concerned stakeholders by undertaking such steps as dialogue and community and resources-use mapping. The metes and bounds of each zone shall be indicated on maps and nautical charts.

SEC. 9. Successor Plan. – 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. Two years before the expiration of the initial management plan, the PASu shall cause the publication of notices for comments and suggestions on the successor plan using all available media or at least in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three other conspicuous areas frequented by the public. The successor plan shall be made available to the public for perusal at the office and suboffices of the PASu and the PCSD.

SEC. 10. Creation and Composition of the TPAMB. – There shall be a TPAMB, which shall be the sole policy-making and permit granting body of the TRNP. It shall be composed of:

- (a) the Regional Executive Director (RED) of Region IV-B of the DENR, to serve as co-chairperson or his/her representative;
- (b) the chairperson of the PCSD or his/her representative, to serve as co-chairperson;
- (c) the members of the House of Representatives who represent the congressional districts of Palawan or their representatives;
- (d) the governor of the Province of Palawan or his/her representative;
- (e) the mayor of the Municipality of Cagayancillo or his/her representative;
- (f) the chairperson of the Environment and Natural Resources Committee of the Sangguniang Bayan of Cagayancillo;
- (g) the chairperson of the Environment and Natural Resources Committee of the Sangguniang Panlalawigan of Palawan;
- (h) the chairperson of the Appropriations Committee of the Sangguniang Panlalawigan of Palawan;
- (i) the commander of the Western Command (WESCOM) or his/her representative;
- (j) the commander of the Naval Forces West (NAVFORWEST) or his/her representative;
- (k) the district commander of the Coast Guard District, Palawan;
- (l) a representative of the Department of Tourism;
- (m) the provincial fishery officer of the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR) in Palawan or his/her representative;
- (n) two representatives from the academe;
- (o) three representatives from NGOs involved in the conservation and management of the TRNP; and

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(p) two representatives from POs based in the Municipality of Cagayancillo, Province of Palawan and engaged in the conservation and management of the TRNP.

Each member of the TPAMB shall serve for a term of five years: *Provided*, That he/she remains connected with the sector or office being represented. 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, to serve the remaining term of his/her predecessor. In the case of members who are elective officials, their appointment shall be coterminous with their term of office. In the case of appointive government officials who are reassigned to stations or offices outside the Province of Palawan, the successor, without need of appointment, shall assume the seat of the reassigned official in the TPAMB.

The TPAMB *en banc* shall hold regular meetings at least once every quarter. It may, however, meet on a more regular basis to discuss day-to-day affairs and other matters.

SEC. 11. Executive and Other Committees of the TPAMB. – There shall be an Executive Committee (ExeCom) to which the TPAMB may delegate some of its powers and functions. Its members shall be chosen by the TPAMB from among themselves.

The TPAMB may create other committees as it may deem necessary.

SEC. 12. Incentives of TPAMB Members. – In addition to actual and necessary traveling and subsistence expenses incurred in the performance of their duties, the TPAMB members may be granted honoraria and insurance coverage in attending the TPAMB or other TPAMB committee meetings. These expenses may be included in the budget for the TRNP.

SEC. 13. Powers and Functions of the TPAMB. – The TPAMB shall have the following powers and functions:

- (a) Decide matters relating to planning, resource use and protection, and general administration of the area in accordance with the management plan;
- (b) Approve budget allocations, proposals, work plans, action plans, guidelines for management of the TRNP in accordance with the management plan and its policies;
- (c) Establish productive partnership, with national and local agencies, local government units, local communities, the academe, non-governmental organizations, and such other institutions to ensure the conservation and management of the TRNP; coordinate and implement;
- (d) Initiate the implementation of the delineation of the boundaries of the TRNP;
- (e) Promulgate rules and regulations and impose penalties for violations thereof;
- (f) Ensure the implementation and enforcement of laws, rules and regulations, policies, programs and projects within the TRNP;
- (g) Control and regulate construction, operation and maintenance of structure and utilities within the TRNP;
- (h) Monitor and evaluate the performance of the TMO and all those implementing activities and projects in the TRNP;
- (i) Appoint the TRNP PASu, and, upon recommendation of the PASu, appoint management personnel based on internal selection criteria and decide on their compensation and benefits;
- (j) Generate funds and accept donations, grants, appropriate and disburse the same, and exercise accountability over all funds that may accrue to the TRNP;

- (k) Manage the TRNP Trust Fund, as herein provided;
- (l) Exercise quasi-judicial functions for adjudicating cases of violations of this Act and impose penalties for violations of guidelines, rules and regulations within the TRNP;
- (m) Deputize individuals for the enforcement of laws, rules and regulations governing conduct within the TRNP, and prescribe the necessary qualifications therefore;
- (n) Retain legal counsel to defend cases against the TPAMB and the Office of the PASu whenever they are sued in connection with the performance of their duties under this Act, guidelines, and rules and regulations pertaining to the TRNP;
- (o) Provide adequate measures to ensure consultation and participation of stakeholders;
- (p) Possess authority to issue permits and conditions thereto, and determine and collect fees, for the utilization and enjoyment of the TRNP and the resources therein: *Provided*, That the TPAMB may delegate to the PASu the authority to issue permits and collect fees for temporary access to the TRNP such as, visiting or diving, subject to the limits as may be determined by the TPAMB: *Provided, however*, That entry into the TRNP for emergency reasons shall not be subject to permit and users' fees;
- (q) Determine, based on existing scientific evidence, laws, rules and regulations, international instruments, traditional resource utilization, management modalities in the area, carrying capacity, and observing precautionary principle, the modes of utilization of the TRNP and all the resources found therein. Permits shall only be issued for such modes of utilization and enjoyment as the TPAMB and this Act shall allow; and
- (r) Perform such other functions necessary for the fulfillment of the provisions of this Act and other applicable laws, rules and regulations, and as may be required.

SEC. 14. Tubbataha Management Office (TMO). – There shall be a TMO to be headed by the TRNP PASu who shall serve as the chief operating officer of the entire TRNP. The TPAMB will determine the staffing pattern, qualification standards and hiring procedures for the TMO. The PASu and his/her staff shall hold office in a place to be designated by the TPAMB: *Provided*, That the TPAMB may authorize the establishment of suboffices for purposes of convenience, safety, accessibility, economy and such other justifiable reasons: *Provided, further*, That at least a suboffice shall be established within the TRNP.

The PASu shall have full responsibility for the protection of resources within the TRNP. As such, he/she 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;
- (b) Serve as secretary to the TPAMB with the duty to provide the TPAMB with all the information necessary to make appropriate decisions for the implementation of this Act;
- (c) Hire non-management personnel of the TRNP, and recommend management personnel to the TPAMB;
- (d) Supervise the TRNP personnel in the performance of their duties and functions;
- (e) Coordinate and implement with national and local agencies, local government units, local communities, the academe, non-governmental organizations, and such other institutions to ensure the conservation and management of the TRNP;
- (f) Develop and implement park information, interpretation, education and other visitor programs;

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- (g) Enforce the laws, rules and regulations and the TPAMB resolutions relevant to the TRNP, file complaints and assist in the prosecution of offenses;
- 6) Monitor all activities within the TRNP in conformity with the management plan;
- (i) Ensure that consultative and participatory mechanisms are maximized in decision-making; and
- (i) Perform such other functions as the TPAMB may assign.

SEC. 15. Role of Local Government Units. – Local government units of Palawan and Cagayancillo shall participate in the management of the TRNP through their representation in the TPAMB. The provisions of this Act shall be incorporated into the municipal and provincial development plans of Cagayancillo and Palawan, respectively, and the Regional Development Plan as part of the environmental concerns of the province and the region. The national and local government units shall likewise ensure that local ordinances pertaining to the environment are consistent with this Act and the management plan, as herein provided.

SEC. 16. Role of the DENR and the PCSD. – The DENR and the PCSD shall coordinate closely to ensure the sound management and conservation of the TRNP, provide technical and financial assistance to the TRNP as may be needed.

SEC. 17. The TRNP Trust Fund. – There is hereby established a trust fund to be known as the TRNP Trust Fund for purposes of financing projects of the TRNP. All income generated from the operation of the TRNP or management of wild flora and fauna therein shall accrue to said fund. This income shall be derived from visitor/tourist fees, fees from permitted sale and export of flora and fauna and other resources from the TRNP, proceeds from the registration and lease of multiple-use areas, including tourism concessions, contributions from industries and facilities directly benefiting from the TRNP; and such other fees and income derived from the operation of the TRNP.

The TRNP Trust Fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That the entire amount shall be set aside and retained by the TPAMB and the TRNP, which shall appropriate the same exclusively for the management and operation of the TRNP. The TPAMB shall have the sole power to decide on the use of its funds from whatever source.

Donations, grants and endowments to the TRNP shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income in the computation of the income tax of the donor.

SEC. 18. Energy and Non-Renewable Resources. – Any exploration, exploitation or utilization of non-renewable resources such as, but not limited to, minerals, gas and oil within the TRNP shall not be allowed. Energy projects shall be allowed only through an act of Congress.

SEC. 19. Unauthorized Entry, Enjoyment or Use. – No person or entity shall enter, enjoy or utilize any portion of the TRNP and the resources therein for whatever purpose without prior permission from the TPAMB as herein provided.

The TRNP shall be off-limits to navigation, except for activities that are sanctioned by the TPAMB such as, but not limited to, tourism and research. Except in emergency situations, it shall be unlawful to enter the TRNP without prior permission from the TPAMB or the PASu as herein provided. It shall also be unlawful to enter, enjoy or use for any purpose any prohibited management zone. This rule shall similarly apply to the use of vessels, gears and equipment in management zones where such are not allowed.

Violation of this Section shall be subject to imprisonment of not less than six months but not more than one year imprisonment and a fine of One Hundred Thousand Pesos (P100,000) but not more than Three Hundred Thousand Pesos (P300,000), as may be determined by the TPAMB. If a violator is a commercial fisher/fisherfolk, the penalty shall be imprisonment of not less than one year but not more than three years and a fine of Five Hundred Thousand Pesos (P500,000).

SEC. 20. Damages to the Reef. – Damages to the reef shall subject the responsible person or entity to the payment of administrative fines set by the TPAMB based on current valuation standards and to the payment of the cost of restoration.

SEC. 21. Non-payment of Conservation Fees. – It shall be unlawful for any person or entity to enjoy or utilize the TRNP and the resources therein without payment of conservation fees as may be imposed by the TPAMB.

Violators of this Section shall, in addition to the payment of the conservation fee, pay the administrative fine of double the amount of the conservation fee set by the TPAMB for the activity undertaken.

SEC. 22. Anchoring. – It shall be unlawful for any person or entity to hold fast or secure a vessel in place either by using an anchor or by tying on to any part of the reef. All vessels shall utilize the mooring buoys provided by the TRNP.

Violation of this Section shall be penalized with an administrative fine of not less than Fifty Thousand Pesos (P50,000) and not more than One Hundred Thousand Pesos (P100,000).

SEC. 23. Dumping of Waste and Littering. – It shall be unlawful for any person or entity to dump waste inside the TRNP. It shall likewise be unlawful to clean and change oil of vessels within the TRNP.

Violation of this provision shall be punishable by imprisonment of one year to three years, and a fine of not less than Fifty Thousand Pesos (P50,000). The TPAMB shall impose an administrative fine of not less than One Hundred Thousand Pesos (P100,000) and not more than Three Hundred Thousand Pesos (P300,000), and order the violator to clean up the waste or pay for the clean-up thereof.

It shall likewise be unlawful to litter within the TRNP.

Violation of this provision shall be penalized by the TPAMB with administrative fine of from Fifty Thousand Pesos (P50,000) to One Hundred Thousand Pesos (P100,000).

SEC. 24. Bioprospecting without Permit. – It shall be unlawful to conduct bioprospecting within the TRNP without prior permit from the TPAMB and other concerned agencies.

Violation of this Section shall be punished with imprisonment of one year to six years; fine of Five Hundred Thousand Pesos (P500,000) to One Million Pesos (P1 million). The TPAMB shall also impose administrative fine ranging from Five Hundred Thousand Pesos (P500,000) to One Million Pesos (P1 million); and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

SEC. 25. Introduction of Exotic Species. – It shall be unlawful to introduce exotic species of plants or animals into the TRNP.

Violation of this Section shall be punished with imprisonment of six months to six years; fine of One Hundred Thousand Pesos (P100,000) to One Million Pesos (P1 million); and forfeiture of the resources subject of the offense, equipment, gears and vessels. The TPAMB shall also impose

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administrative fine ranging from Two Hundred Thousand Pesos (P200,000) to One Million Pesos (P1 million); and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

SEC. 26. Hunting, Catching, Fishing, Killing, Taking, Gathering, Removing, Destroying, Disturbing or Possessing Resources. – It shall be unlawful for any person to actually or attempt to hunt, catch, fish, kill, take, gather, remove, destroy, disturb or possess any resource, whether living or non-living, or products derived therefrom. The unauthorized entry of a vessel in TRNP shall be *prima facie* evidence of violation of this Section.

Violation of this Section shall be punished as follows:

(a) Where the offender uses explosives, noxious or poisonous substances, the penalty shall be imprisonment ranging from six years and one day to 12 years without prejudice to the filing of separate criminal cases when the use of the same result to the physical injury or loss of human life; fine ranging from Three Hundred Thousand Pesos (P300,000) to Five Hundred Thousand Pesos (P500,000). The TPAMB shall also impose administrative fine ranging from Three Hundred Thousand Pesos (P300,000) to Five Hundred Thousand Pesos (P500,000); and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, in any vessel or in the possession of any person within the TRNP shall constitute *prima facie* evidence that the same was used in violation of this Act. The discovery of resources caught, taken, killed, removed, gathered or destroyed with the use of explosives, noxious or poisonous substances in any vessel or in the possession of any person within the TRNP shall constitute *prima facie* evidence of violation of this Act.

(b) Where the offender merely possesses explosives, noxious or poisonous substances within the TRNP, the punishment shall be imprisonment ranging from four years and two months and one day to six years; fine ranging from One Hundred Thousand Pesos (P100,000) to Three Hundred Thousand Pesos (P300,000). The TPAMB shall also impose administrative fine ranging from One Hundred Thousand Pesos (P100,000) to Three Hundred Thousand Pesos (P300,000); and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

(c) Where the offender takes, removes, fishes, gathers, kills, destroys or possesses corals, except for scientific or research purposes authorized by the PTAMB, the penalty shall be imprisonment ranging from six years and one day to 12 years; fine ranging from One Hundred Thousand Pesos (P100,000) to Two Hundred Fifty Thousand Pesos (P250,000). The TPAMB shall also impose administrative fine ranging from One Hundred Thousand Pesos (P100,000) to Two Hundred Fifty Thousand Pesos (P250,000); and confiscation and forfeiture of the corals subject of the offense, equipment, gears and vessels.

(d) Where the offender uses any fishing gear or method that destroys coral reefs, seagrass beds or other marine life habitats as may be determined by this Act, the TPAMB, other laws, the Department of Agriculture, or the DENR, the operator, boat captain, master fisherman, and recruiter or organizer of fisherworkers involved shall suffer a penalty of six years and one day to 12 years imprisonment; fine of not less than One Hundred Thousand Pesos (P100,000) to Five Hundred Thousand Pesos (P500,000); forfeiture of catch, fishing equipment, gears and vessels. The TPAMB shall also impose administrative fine ranging from Four Hundred Thousand Pesos (P400,000) to One Million Pesos (P1 million) and confiscation and forfeiture of catch fishing equipment, gears and vessels.

Muro-ami, pa-aling, all kinds of trawls (*galadgad*, Norway), purse seine (*pangulong*), Danish seine (*hulbot-hulbot, pahulbot-hulbot, likisan liba-liba, pasilot, patangko, bira-bira, buli-buli*,

hulahoop, zipper, lampornas, etc.), ring net (*kubkob, pangulong, kalansisi*), drive-in net (*kayakas*), round haul seine (*sapyaw, lawag*), motorized push net (*sudsod*), bagnet (*basnig, saklit*), or any of their variations, are hereby declared destructive fishing methods or gears under this provision.

- (e) Where the offender gathers or removes pebbles, stones, rocks, sand or other materials or otherwise engages in the quarrying or dredging of any portion of the TRNP, the penalty shall be six years and one day to 12 years imprisonment; fine of not less than One Hundred Thousand Pesos (P100,000) to Two Hundred Fifty Thousand Pesos (P250,000). The TPAMB shall also impose administrative fines ranging from One Hundred Thousand Pesos (P100,000) to Seven Hundred Fifty Thousand Pesos (P750,000); and confiscation and forfeiture of the substance taken, and equipment and vessels used in the commission of the violation.
- (f) Where the subject of the offense are protected species as defined in this Act, the penalty shall be imprisonment of 12 years to 20 years; fine of Five Hundred Thousand Pesos (P500,000) to One Million Pesos (P1 million) for every threatened or endangered organism subject of the offense; forfeiture of the catch, equipment, gears and vessels; and cancellation of fishing permit. The TPAMB shall also impose administrative fine ranging from Five Hundred Thousand Pesos (P500,000) to One Million Pesos (P1 million) for every threatened or endangered organism subject of the offense; and confiscation and forfeiture of catch, equipment, gears and vessels.
- (g) Where the violations of this Section are not covered by the preceding paragraphs, the penalty shall be imprisonment of three years to six years; fine of not less than One Hundred Thousand Pesos (P100,000) but not more than Three Hundred Thousand Pesos (P300,000); and forfeiture of the catch, equipment, gears and vessels; and cancellation of permit that makes it possible for the offender to commit the offense. The TPAMB shall also impose administrative fine ranging from Three Hundred Thousand Pesos (P300,000) to One Million Pesos (P1 million); and confiscation and forfeiture of catch, equipment, gears and vessels.

SEC. 27. Poaching by Foreigners. – It shall be unlawful for any foreign person, foreign corporation or foreign entity to fish, gather and/or purchase or possess any fishery products within the TRNP. It shall likewise be unlawful for any person, corporation or entity to operate any foreign fishing vessel within the TRNP. The entry of any foreign fishing vessel in the TRNP shall constitute *prima facie* evidence that the vessel is engaged in fishing in the area. The presence of any foreign national in a fishing vessel of either Philippine or foreign registry in the TRNP shall be conclusive evidence that the vessel is foreign.

Violation of the above shall be punished by imprisonment of six years and one day to 12 years and a fine of One Hundred Thousand U.S. Dollars (US\$100,000), in addition to the forfeiture of its catch, fishing equipment and fishing vessel: *Provided*, That in case of non-payment of fine, subsidiary imprisonment shall be imposed: *Provided, further*, That the TPAMB is empowered to impose an administrative fine of not less than Fifty Thousand U.S. Dollars (US\$50,000), but not more than Two Hundred Thousand U.S. Dollar (US\$200,000) or its equivalent in Philippine currency, in addition to the confiscation and forfeiture of the fish catch, fishing equipment and fishing vessel: *Provided, finally*, That a bond may be posted for the vessels which shall not be less than One Hundred Thousand U.S. Dollars (US\$100,000). A Hold Departure Order shall be issued as a condition for the grant of bail to any foreign offender. All passports and documents which may be used by the accused to flee the country must be surrendered to the court.

SEC. 28. Violation of Environmental Impact Assessment System. – The TPAMB shall prosecute violations of laws and rules on Environmental Impact Assessment System. Such violations shall be punished by imprisonment of three years to five years; fine of One Hundred Thousand Pesos (P100,000) for every day each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and

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forfeiture of the vessels, structures, effects, materials and equipment used, and the products of such violation. If the offender is a corporation, the directors and officers shall suffer the imprisonment. The TPAMB shall also impose administrative fine of One Hundred Thousand Pesos (P100,000) for every day each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and confiscation and forfeiture of the vessels, structures, effects, materials and equipment used and the products of such violation.

SEC. 29. Violation of Standards. – The owner, operator and top three officers of any vessel violating the standards set by the TPAMB such as, but not limited to, safety and sanitation standards shall suffer administrative penalty of a fine ranging from Twenty Thousand Pesos (P20,000) to Fifty Thousand Pesos (P50,000) for every day each violation subsists, and from suspension of three months to cancellation of permit to operate in the TRNP.

SEC. 30. Obstruction to Law Enforcement Officer. – The boat owner, master, operator, officer or any person acting on his/her behalf, of any vessel who evades, obstructs or hinders any law enforcement officer in the TRNP to perform his/her duty, shall be administratively fined Fifty Thousand Pesos (P50,000). In addition, the registration, permit and/or license of the vessel including the license of the officers thereof shall be cancelled.

SEC. 31. Common Penal Provision.

- (a) In case the vessel used in violation is foreign owned by a corporation or entity, the fine shall be twice the maximum amount imposed for the offense.
- (b) In case the vessel used in violation of this Act is foreign owned, the fine shall be thrice the maximum amount imposed for the offense committed without prejudice to the provision of Section 27 hereof.
- (c) The captain of the vessel shall suffer the maximum duration of the imprisonment for the offense committed.

SEC. 32. Subsidiary Imprisonment. – Non-payment of fines imposed under this Act shall be subject to subsidiary imprisonment as provided for by existing laws.

SEC. 33. Fines and Forfeitures. – All administrative fines and forfeitures that may be imposed by the TPAMB under this Act, and the rules and regulations that may be promulgated in pursuit of the goals and objectives of this Act shall form part of the funds and assets of the TRNP.

In case of administrative confiscation or forfeiture of vessels, structures, effects, materials and equipment and the same is not necessary for the proper prosecution of the offense charged, the TPAMB may sell the forfeited vessels, structures, effects, materials and equipment in a public auction. Proceeds of the said sale shall accrue to the TRNP Trust Fund created under this Act. In case the confiscated vessels, structures, effects, materials and equipment are in *custodia legis*, the TPAMB or its counsel, after proper proceedings may move for the sale of the confiscated or forfeited vessels, structures, effects, materials and equipment *pendente lite: Provided*, That the said vessels, structures, effects, materials and equipment is no longer necessary for the proper prosecution of the offense or if the same is necessary but substitute evidence is accepted by the court. The proceeds of the said sale shall likewise accrue to the TRNP Trust Fund created under this Act.

SEC. 34. Violation of Other Laws. – Prosecution for violation of this Act shall be without prejudice to the prosecution of the offender for violation of other laws, rules and regulations.

SEC. 35. Enforcement of this Act, Other Laws, Rules and Regulations within the TRNP. – The Armed Forces of the Philippines through the Philippine Navy, the Philippine National Police, the Philippine Coast Guard, the law enforcement officers of the DENR and the DA-BFAR, PCSD officials and staff, local government unit (LGU) officials, law enforcement officers of LGUs, members and officers of the TPAMB, the PASu and his/her staff, and other deputized environment and natural resource officers, are hereby authorized and shall cooperate in the enforcement of this Act, other laws, rules and regulations within the TRNP.

Any one of the above persons and entities is authorized to file administrative cases before the proper agencies and bodies, or initiate criminal proceedings in accordance with the Rules of Court, for offenses committed within the TRNP.

SEC. 36. Special Prosecutors and Counsels. – The Department of Justice, upon recommendation of the TPAMB, shall designate special prosecutors from among the state and public prosecutors to do preliminary investigation and prosecute violations of this Act, other laws, rules and regulations within the TRNP. Such special prosecutors shall coordinate with the TPAMB and the TMO in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The TPAMB shall periodically submit an evaluation of the performance of the designated special prosecutors to the Department of Justice (DOJ).

The TPAMB may retain the services of a competent lawyer to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor and to defend the members of the TPAMB, the PASu and the TMO staff, or person assisting in the protection, conservation and sustainable development of the TRNP, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the TPAMB.

SEC. 37. Citizen's Suits. – For the purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts bodies against:

- (a) Any person who violates or fails to comply with the provisions of this Act its implementing rules and regulations, or
- (b) Those mandated to implement and enforce the provisions of this Act with respect to orders, rules and regulations issued inconsistent with this Act; and/or
- (c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duty; or, in any manner improperly performs his duties under this Act or its implementing Rules and Regulations: *Provided, however,* That, no suit can be filed until after a 30-day notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon. The court shall exempt such action from the payment of filing fees, upon *prima facie* showing of the non-enforcement or violations complained of and exempt the plaintiff from the filing of an injunction bond for the issuance of preliminary injunction.

In the event that the citizen should prevail, the court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

SEC. 38. Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act. – Where a suit is brought against a person who filed an action as provided in Section 37 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a

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determination not exceeding 30 days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the investigating prosecutor or the court, as the case may be, shall dismiss the complaint. In addition, the court shall award the attorney's fees and double the amount of damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

SEC. 39. Convening the TPAMB. – Within one month upon the effectivity of this Act, the interim TPAMB shall convene to ensure that its composition and structure conform to the provisions of this Act.

SEC. 40. Continuation of the TMO. – The present TMO shall continue to exist and function as such, subject to reorganization, if necessary, in accordance with Section 14 hereof.

Sec. 41. Continuation of All Other Arrangements. – Except when otherwise provided by this Act, all arrangements, commitments and agreements pertaining to the management, utilization, conservation and protection of the TRNP made and entered into by government agencies, the present TPAMB and the TMO, and the active involvement of the Philippine Navy and the Philippine Coast Guard in law enforcement in the TRNP, shall continue to subsist validly amended, revised, repealed or renewed.

SEC. 42. Implementing Rules and Regulations. – Within six months upon the effectivity of this Act, the TPAMB shall prepare the implementing rules and regulations of this Act.

SEC. 43. Appropriations. – The DENR and the PCSD shall immediately include in the Department's and Council's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 44. Construction and Suppletory Application of Existing Laws. – The provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development. Provisions of Republic Act No. 7611, otherwise known as the "Strategic Environmental Plan (SEP) for Palawan Act"; Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System (NIPAS) Act of 1992"; Republic Act No. 8550; otherwise known as "The Philippine Fisheries Code of 1996"; Republic Act No. 9147, otherwise known as the "Wildlife Resources Conservation and Protection Act"; and existing forestry laws, and their corresponding rules and regulations not inconsistent thereto shall have suppletory effect in the implementation of this Act.

SEC. 45. Separability Clause. – If any part or section of this Act is declared unconstitutional or otherwise invalid, such declaration shall not affect the other parts or sections hereof.

SEC. 46. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations inconsistent with this Act shall be deemed repealed or modified accordingly.

SEC. 47. Effectivity. – This Act shall take effect immediately after its complete publication in two newspapers of general circulation.

Approved: April 6, 2010.

COMMONWEALTH ACT No. 141
AN ACT TO AMEND AND COMPILER THE LAWS RELATIVE TO LANDS OF THE PUBLIC DOMAIN

As amended by CA No. 292, CA No. 456, CA No. 615, RA No. 107, RA No. 293, RA No. 436, RA No. 1172, RA No. 1240, RA No. 1242, RA No. 1273, RA No. 1942, RA No. 2061, RA No. 2694, RA No. 3106, RA No. 4107, RA No. 6236, RA No. 6516, PD No. 635, PD No. 763, PD No. 1073, BP Blg. 187, BP Blg. 205, BP Blg. 878, and RA No. 6940.

TITLE I

TITLE AND APPLICATION OF THE ACT, LANDS TO WHICH IT REFERS, AND CLASSIFICATION, DELIMITATION AND SURVEY FOR CONCESSION THEREOF

CHAPTER I

SHORT TITLE OF THE ACT, LANDS TO WHICH IT APPLIES, AND OFFICERS CHARGED WITH ITS EXECUTION

SECTION 1. The short title of this Act shall be "*The Public Land Act.*"

SEC. 2. The provisions of this Act shall apply to the lands of the public domain; but timber and mineral lands shall be governed by special laws and nothing in this Act provided shall be understood or construed to change or modify the administration and disposition of the lands commonly called "friar lands" and those which, being privately owned, have reverted to or become the property of the Commonwealth of the Philippines, which administration and disposition shall be governed by the laws at present in force or which may hereafter be enacted.

SEC. 3. The Secretary of Environment and Natural Resources shall be the executive officer charged with carrying out the provisions of this Act through the Director of Lands, who shall act under his immediate control.

SEC. 4. Subject to said control, the Director of Lands shall have direct executive control of the survey, classification, lease, sale or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Commerce.

SEC. 5. The Director of Lands, with the approval of the Secretary of Agriculture and Commerce, shall prepare and issue such forms, instructions, rules, and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions.

CHAPTER II

CLASSIFICATION, DELIMITATION, AND SURVEY OF LANDS OF THE PUBLIC DOMAIN, FOR THE CONCESSION THEREOF

SECTION 6. The President, upon the recommendation of the Secretary of Agriculture and Commerce, shall from time to time classify the lands of the public domain into:

- (a) Alienable or disposable;
- (b) Timber, and
- (c) Mineral lands,

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and may at any time and in a like manner transfer such lands from one class to another, for the purposes of their administration and disposition.

SEC. 7. For the purposes of the administration and disposition of alienable or disposable public lands, the President, upon recommendation by the Secretary of Environment and Natural Resources, shall from time to time declare what lands are open to disposition or concession under this Act.

SEC. 8. Only those lands shall be declared open to disposition or concession which have been officially delimited and classified and, when practicable, surveyed, and which have not been reserved for public or quasi-public uses, nor appropriated by the Government, nor in any manner become private property, nor those on which a private right authorized and recognized by this Act or any other valid law may be claimed, or which, having been reserved or appropriated, have ceased to be so. However, the President may, for reasons of public interest, declare lands of the public domain open to disposition before the same have had their boundaries established or been surveyed, or may, for the same reason, suspend their concession or disposition until they are again declared open to concession or disposition by proclamation duly published or by Act of the National Assembly.

SEC. 9. For the purpose of their administration and disposition, the lands of the public domain alienable or open to disposition shall be classified, according to the use or purposes to which such lands are destined, as follows:

- (a) Agricultural
- (b) Residential commercial industrial or for similar productive purposes
- (c) Educational, charitable, or other similar purposes
- (d) Reservations for town sites and for public and quasi-public uses.

The President, upon recommendation by the Secretary of Environment and Natural Resources, shall from time to time make the classifications provided for in this section, and may, at any time and in a similar manner, transfer lands from one class to another.

SEC. 10. The words "alienation, "disposition, or "concession" as used in this Act, shall mean any of the methods authorized by this Act for the acquisition, lease, use, or benefit of the lands of the public domain other than timber or mineral lands.

TITLE II

AGRICULTURAL PUBLIC LANDS

CHAPTER III

FORMS OF CONCESSION OF AGRICULTURAL LANDS

SECTION 11. Public lands suitable for agricultural purposes can be disposed of only as follows, and not otherwise:

- (1) For homestead settlement
- (2) By sale
- (3) By lease
- (4) By confirmation of imperfect or incomplete titles:
 - (a) By judicial legalization

(b) By administrative legalization (free patent).

CHAPTER IV

HOMESTEADS

SEC. 12. Any citizen of the Philippines over the age of 18 years, or the head of a family, who does not own more than twenty-four hectares of land in the Philippines or has not had the benefit of any gratuitous allotment of more than 24 hectares of land since the occupation of the Philippines by the United States, may enter a homestead of not exceeding 24 hectares of agricultural land of the public domain.

SEC. 13. Upon the filing of an application for a homestead, the Director of Lands, if he finds that the application should be approved, shall do so and authorize the applicant to take possession of the land upon the payment of five pesos, Philippine currency, as entry fee. Within six months from and after the date of the approval of the application, the applicant shall begin to work the homestead, otherwise he shall lose his prior right to the land.

SEC. 14. No certificate shall be given or patent issued for the land applied for until at least one-fifth of the land has been improved and cultivated. The period within which the land shall be cultivated shall not be less than one or more than five years, from and after the date of the approval of the application. The applicant shall, within the said period, notify the Director of Lands as soon as he is ready to acquire the title. If at the date of such notice, the applicant shall prove to the satisfaction of the Director of Lands, that he has resided continuously for at least one year in the municipality in which the land is located, or in a municipality adjacent to the same, and has cultivated at least one-fifth of the land continuously since the approval of the application, and shall make affidavit that no part of said land has been alienated or encumbered, and that he has complied with all the requirements of this Act, then, upon the payment of five pesos, as final fee, he shall be entitled to a patent.

SEC. 15. At the option of the applicant, payment of the fees required in this chapter may be made to the municipal treasurer of the locality, who, in turn, shall forward them to the provincial treasurer. In case of delinquency of the applicant, the Director of Lands may, 60 days after such delinquency has occurred, either cancel the application or grant an extension of time not to exceed 120 days for the payment of the sum due.

SEC. 16. If at any time before the expiration of the period allowed by law for the making of final proof, it shall be proven to the satisfaction of the Director of Lands, after due notice to the homesteader, that the land entered is under the law not subject to homestead entry, or that the homesteader has actually changed his residence, or voluntarily abandoned the land for more than six months at any one time during the years of residence and occupation herein required, or has otherwise failed to comply with the requirements of this Act, the Director of Lands may cancel the entry.

SEC. 17. Before final proof shall be submitted by any person claiming to have complied with the provisions of this chapter, due notice, as prescribed by the Secretary of Agriculture and Commerce shall be given to the public of his intention to make such proof, stating therein the name and address of the homesteader, the description of the land, with its boundaries and area, the name of the witness by whom it is expected that the necessary facts will be established, and the time and place at which, and the name of the officer before whom, such proof will be made.

SEC. 18. In case the homesteader shall suffer from mental alienation, or shall for any other reason be incapacitated from exercising his rights personally, the person legally representing him may offer and submit the final proof on behalf of such incapacitated person.

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SEC. 19. Not more than one homestead entry shall be allowed to any one person, and no person to whom a homestead patent has been issued by virtue of the provisions of this Act regardless of the area of his original homestead, may again acquire a homestead: *Provided, however,* That any previous homesteader who has been issued a patent for less than 24 hectares and otherwise qualified to make a homestead entry, may be allowed another homestead which, together with his previous homestead shall not exceed an area of 24 hectares.

SEC. 20. If at any time after the approval of the application and before the patent is issued, the applicant shall prove to the satisfaction of the Director of Lands that he has complied with all the requirements of the law, but cannot continue with his homestead, through no fault of his own, and there is a bona fide purchaser for the rights and improvements of the applicant on the land, and that the conveyance is not made for purposes of speculation, then the applicant, with the previous approval of the Director of Lands may transfer his rights to the land and improvements to any person legally qualified to apply for a homestead, and immediately after such transfer, the purchaser shall file a homestead application for the land so acquired and shall succeed the original homesteader in his rights and obligations beginning with the date of the approval of said application of the purchaser. Any person who has so transferred his rights may not again apply for a new homestead. Every transfer made without the previous approval of the Director of Lands shall be null and void and shall result in the cancellation of the entry and the refusal of the patent.

SEC. 21. Any non-Christian Filipino who has not applied for a homestead, desiring to live upon or occupy land on any of the reservations set aside for the so-called "non-Christian tribes" may request a permit of occupation for any tract of land of the public domain reserved for said non-Christian tribes under this Act, the area of which shall not exceed four hectares. It shall be an essential condition that the applicant for the permit cultivate and improve the land, and if such cultivation has not been begun within six months from and after the date on which the permit was received, the permit shall be cancelled. The permit shall be for a term of one year. If at the expiration of this term or at any time prior thereto, the holder of the permit shall apply for a homestead under the provisions of this chapter, including the portion for which a permit was granted to him, he shall have the priority, otherwise the land shall be again open to disposition at the expiration of the permit.

For each permit the sum of one peso shall be paid.

CHAPTER V

SALE

SECTION 22. Any citizen of lawful age of the Philippines, and any such citizen not of lawful age who is head of a family, and any corporation or association of which at least 60 percent of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippines, and which is organized and constituted under the laws of Philippines, and corporate bodies organized in the Philippines authorized under their charters to do so; may purchase any tract of public agricultural land disposable under this Act, not to exceed 144 hectares in the case of an individual and 1024 hectares in that of a corporation or association, by proceeding as prescribed in this chapter: *Provided,* That partnerships shall be entitled to purchase not to exceed 144 hectares for each member thereof, but the total area so purchased shall in no case exceed the 1024 hectares authorized in this Section for associations and corporations.

SEC. 23. No person, corporation, association, or partnership other than those mentioned in the last preceding section may acquire or own agricultural public land or land of any other denomination or

classification, which is at the time or was originally, really or presumptively, of the public domain, or any permanent improvement thereon, or any real right on such land and improvement: *Provided, however,* That persons, corporations, associations or partnerships which, at the date upon which the Philippine Constitution took effect, held agricultural public lands or land of any other denomination, that belonged originally, really or presumptively, to the public domain, or permanent improvements on such lands, or a real right upon such lands and improvements, having acquired the same under the laws and regulations in force at the date of such acquisition, shall be authorized to continue holding the same as if such persons, corporations, associations, or partnerships were qualified under the last preceding section; but they shall not encumber, convey, or alienate the same to persons, corporations, associations, or partnerships not included in Section 24 of this Act, except by reason of hereditary succession, duly legalized and acknowledged by competent courts.

Sec. 24. Lands sold under the provisions of this chapter must be appraised in accordance with Section 116 of this Act. The Director of Lands shall announce the sale thereof by publishing the proper notice once a week for six consecutive weeks in the Official Gazette, and in two newspapers, one published in Manila and the other published in the municipality or in the province where the lands are located, or in a neighboring province, and the same notice shall be posted on the bulletin board of the Bureau Of Lands in Manila, and in the most conspicuous place in the provincial building and the municipal building of the province and municipality, respectively, where the land is located, and, if practicable, on the land itself; but if the value of the land does not exceed Two Hundred and Forty Pesos (P240), the publication in the Official Gazette and newspapers may be omitted. The notices shall be published, one in English and the other in Spanish or in the local dialect, and shall fix a date not earlier than 60 days after the date of the notice upon which the land will be awarded to the highest bidder, or public bids will be called for, or other action will be taken as provided in this chapter.

Sec. 25. Public agricultural lands which are not located within 10 kilometers from the boundaries of the city proper in chartered cities or within 5 kilometers from the municipal hall or town occupants plaza of any municipality may be sold to actual occupants who do not own any parcel of land or whose total land holdings do not exceed five hectares and who comply with the minimum requirements of Commonwealth Act No. 141, as amended, and who have resided on the land applied for at least two years prior to the date of the application.

All bids must be sealed and addressed to the Director of Lands and must have enclosed therewith cash or certified check, treasury warrant, or postoffice money order payable to the order of the Director of Lands for 10 percent of the amount of the bid, which amount shall be retained in case the bid is accepted as part payment of the purchase price: *Provided,* That no bid shall be considered the amount of which is less than the appraised value of the land.

In addition to existing publication requirements in Section 24 of Commonwealth Act No. 141, as amended, notices and of applications shall be posted for a period of not less than 30 days in at least three conspicuous places in the municipality where the parcel of land is located, one of which shall be at the municipal building, and other, in the barrio council building of the barrio where the land is located.

Sec. 26. Upon the opening of the bids, the land shall be awarded to the highest bidder. If there are two or more equal bids which are higher than the others, and one of such equal bids is that of the applicant, his bid shall be accepted. If, however, the bid of the applicant is not one of such equal and higher bids, the Director of Lands shall at once submit the land for public bidding, and to the person making the highest bid on such public auction the land shall be awarded. In any case, the applicant shall always have the option of raising his bid to equal that of the highest bidder, and in this case the land shall be

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awarded to him. No bid received at such public auction shall be finally accepted until the bidder shall have deposited 10 percent of his bid, as required in Section 25 of this Act. In case none of the tracts of land that are offered for sale or the purchase of which has been applied for, has an area in excess of 24 hectares, the Director of Lands may delegate to the District Land Officer concerned the power of receiving bids, holding the auction, and proceeding in accordance with the provisions of this Act, but the District Land Officer shall submit his recommendation to the Director of Lands, for the final decision of the latter in the case.

The District Land Officer shall accept and process any application for the purchase of public lands not exceeding 5 hectares subject to the approval of the Director of Lands within 60 days after receipt of the recommendation of said District Land Officer.

Sec. 27. The purchase price shall be paid as follows: The balance of the purchase price after deducting the amount paid at the time of submitting the bid, may be paid in full upon the making of the award, or in not more than ten equal annual installments from the date of the award.

Sec. 28. The purchaser shall have not less than one-fifth of the land broken and cultivated within five years after the date of the award; and before any patent is issued, the purchaser must show actual occupancy, cultivation, and improvement of at least one-fifth of the land applied for until the date on which final payment is made: *Provided, however,* That in case land purchased is to be devoted to pasture, it shall be sufficient compliance with this condition if the purchaser shall graze on the land as many heads of his cattle as will occupy at least one-half of the entire area at the rate of one head per hectare.

Sec. 29. After title has been granted, the purchaser may not, within a period of 10 years from such cultivation or grant, convey or encumber or dispose said lands or rights thereon to any person, corporation or association, without prejudice to any right or interest of the government in the land: *Provided,* That any sale and encumbrance made in violation of the provisions of this Section, shall be null and void and shall produce the effect of annulling the acquisition and reverting the property and all rights thereto to the State, and all payments on the purchase price theretofore made to the Government shall be forfeited.

Sec. 30. If at any time after the date of the award and before the issuance of patent, it is proved to the satisfaction of the Director of Lands, after due notice to the purchaser, that the purchaser has voluntarily abandoned the land for more than one year at any one time, or has otherwise failed to comply with the requirements of the law, then the land shall revert to the State, and all prior payments made by the purchaser and all improvements existing on the land shall be forfeited.

Sec. 31. No person, corporation, association, or partnership shall be permitted, after the approval of this Act, to acquire the title to or possess as owner any lands of the public domain if such lands, added to other lands belonging to such person, corporation, association, or partnership shall give a total area greater than the area the acquisition of which by purchase is authorized under this Act. Any excess in area over this maximum and all right, title, interest, claim or action held by any person, corporation, association, or partnership resulting directly or indirectly in such excess shall revert to the State.

This Section shall, however, not be construed to prohibit any person, corporation, association, or partnership authorized by this Act to require lands of the public domain from making loans upon real estate security and from purchasing real estate whenever necessary for the recovery of such loans; but in this case, as soon as the excess above referred to occurs, such person, corporation, association, or partnership shall dispose of such lands within five years, for the purpose of removing the excess

mentioned. Upon the land in excess of the limit there shall be paid, so long as the same is not disposed of, for the first year a surtax of 50 percent additional to the ordinary tax to which such property shall be subject, and for each succeeding year 50 percent shall be added to the last preceding annual tax rate, until the property shall have been disposed of.

The person, corporation, association, or partnership owning the land in excess of the limit established by this Act shall determine the portion of land to be segregated.

At the request of the Secretary of Environment and Natural Resources, the Solicitor General or the officer acting in his stead shall institute the necessary proceedings in the proper court for the purpose of determining the excess portion to be segregated, as well as the disposal of such portion in the exclusive interest of the Government.

SEC. 32. This chapter shall be held to authorize only one purchase of the maximum amount of land hereunder by the same person, corporation, association, or partnership; and no corporation, association, or partnership, any member of which shall have received the benefits of this chapter or of the next following chapter, either as an individual or as a member of any other corporation, association, or partnership, shall purchase any other lands of the public domain under this Chapter. But any purchaser of this public land, after having made the last payment upon and cultivated at least one-fifth of the land purchased, if the same shall be less than the maximum allowed by this Act, may purchase successively additional agricultural public land adjacent to or not distant from the land first purchased, until the total area of such purchases shall reach the maximum established in this chapter: *Provided*, That in making such additional purchase or purchases, the same conditions shall be complied with as prescribed by this Act for the first purchase.

CHAPTER VI

LEASE

SECTION 33. Any citizen of lawful age of the Philippines, and any corporation or association of which at least 60 percent of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippines, and which is organized and constituted under the laws of the Philippines, may lease any tract of agricultural public land available for lease under the provisions of this Act, not exceeding a total of 1024 hectares. If the land leased is adapted to and be devoted for grazing purposes, an area not exceeding two thousand hectares may be granted. No member, stockholder, of officer, representative, attorney, agent, employee or bondholder of any corporation or association holding or controlling agricultural public land shall apply, directly or indirectly, for agricultural public land except under the homestead and free patent provisions of this Act: *Provided*, That no lease shall be permitted to interfere with any prior claim by settlement or occupation, until the consent of the occupant or settler is first had, or until such claim shall be legally extinguished, and no person, corporation, or association shall be permitted to lease lands hereunder which are not reasonably necessary to carry on his business in case of an individual, or the business for which it was lawfully created and which it may lawfully pursue in the Philippines, if an association or corporation.

SEC. 34. A notice of the date and place of the auction of the right to lease the land shall be published and announced in the same manner as that prescribed for the publication and announcement of the notice of sale, in Section 24 of this Act.

SEC. 35. All bids must be sealed and addressed to the Director of Lands and must have enclosed therewith cash or a certified check, Treasury warrant, or post-office money order payable to the order of the

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Director of Lands, for a sum equivalent to the rental for at least, the first three months of the lease: *Provided*, That no bid shall be considered in which the proposed annual rental is less than 3 percent of the value of the land according to the appraisal made in conformity with Section 116 of this Act.

SEC. 36. The auction of the right to lease the land shall be conducted under the same procedure as that prescribed for the auction sale of agricultural lands as described in Section 26 of this Act: *Provided*, That no bid shall be accepted until the bidder shall have deposited the rental for at least the first three months of the lease.

SEC. 37. The annual rental of the land leased shall not be less than 3 percent of the value of the land, according to the appraisal and reappraisal made in accordance with Section 116 of this Act; except for lands reclaimed by the government, which shall not be less than 4 percent of the appraised and reappraised value of the land: *Provided*, That one-fourth of the annual rental of these lands reclaimed prior to the approval of this Act shall accrue to the construction and improvement portion of the Portworks Funds: and *Provided, further*, That the annual rental of not less than 4 percent of the appraised and reappraised value of the lands reclaimed using the Portworks Fund after the approval of this Act shall all accrue to the construction and improvement portion of the Portworks Fund. But if the land leased is adapted to and be devoted for granting purposes, the annual rental shall be not less than 2 percent of the appraised and reappraised value thereof. Every contract of lease under the provisions of this chapter shall contain a clause to the effect that a reappraisal of the land leased shall be made every ten years from the date of the approval of the lease, if the term of the same shall be in excess of ten years. In case the lessee is not agreeable to the reappraisal and prefers to give up his contract of lease, he shall notify the Director of Lands of his desire within the six months next preceding the date on which the reappraisal takes effect, and in case his request is approved, the Director of Lands may, if the lessee should so desire, proceed in accordance with Section 100 of this Act.

The rent, which shall be paid yearly in advance, shall accrue from the date of the approval of the lease, and the full payment for the first year shall be made in the Bureau of Lands before the execution of the contract.

SEC. 38. Leases shall run for a period of not more than 25 years, but may be renewed once for another period not to exceed 25 years, in case the lessee shall have made important improvements which, in the discretion of the Secretary of Environment and Natural Resources justify a renewal. Upon the final expiration of the lease, all buildings and other permanent improvements made by the lessee, his heirs, executors, administrators, successors, or assigns shall become the property of the government, and the land together with the said improvements shall be disposed of in accordance with the provisions of Chapter 5 of this Act.

SEC. 39. It shall be an inherent and essential condition of the lease that the lessee shall have not less than one-third of the land broken and cultivated within five years after the date of the approval of the lease: *Provided, however*, That in case the land leased is to be devoted to pasture, it shall be sufficient compliance with this condition if the lessee shall graze on the land as many heads of cattle as will occupy at least one-half of the entire area at the rate of one head per hectare.

SEC. 40. The lessee shall not assign, encumber, or sublet his rights without the consent of the Secretary of Environment and Natural Resources, and the violation of this condition shall avoid the contract: *Provided*, That assignment, encumbrance, or subletting for purposes of speculation shall not be permitted in any case: *Provided, further*, That nothing contained in this Section shall be understood or construed to permit the assignment, encumbrance, or subletting of lands leased under this Act, or under any

previous Act, to persons, corporations, or associations which under this Act, are not authorized to lease public lands.

Sec. 41. The lease of any lands under this chapter shall not confer the right to remove or dispose of any valuable timber except as provided in the regulations of the Bureau of Forestry for cutting timber upon such lands. Nor shall such lease confer the right to remove or dispose of stone, oil, coal, salts, or other minerals, or medicinal mineral waters existing upon the same. The lease as to the part of the land which shall be mineral may be canceled by the Secretary of Agriculture and Commerce, after notice to the lessee, whenever the said part of the land is more valuable for agricultural purposes.

The commission of waste or violation of the forestry regulations by the lessee shall work a forfeiture of his last payment of rent and render him liable to immediate dispossession and suit for damage.

Sec. 42. After having paid rent for at least the first two years of the lease, and having complied with the requirements prescribed in Section 39, the lessee of agricultural public land with an area less than the maximum allowed by law, may lease successively additional agricultural public land adjacent to or near the land originally leased until the total area of such leases shall reach the maximum established in this Chapter: *Provided*, That in making such additional lease, the same conditions shall be complied with as prescribed by this Act for the first lease.

Sec. 43. During the life of the lease, any lessee who shall have complied with all the conditions thereof and shall have the qualifications required by Section 22, shall have the option of purchasing the land leased subject to the restrictions of Chapter 5 of this Act.

CHAPTER VI

FREE PATENTS

SECTION 44. Any natural-born citizen of the Philippines who is not the owner of more than 24 hectares and who, for at least 30 years prior to the effectivity of this amendatory Act, has continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of agricultural public lands subject to disposition, or who shall have paid the real estate tax thereon while the same has not been occupied by any person shall be entitled, under the provisions of this Chapter, to have a free patent issued to him for such tract or tracts of such land not to exceed 12 hectares.

A member of the national cultural minorities who has continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of land, whether disposable or not since July 4, 1955, shall be entitled to the right granted in the preceding paragraph of this Section: *Provided*, That at the time he files his free patent application he is not the owner of any real property secured or disposable under this provision of the Public Land Law.

Sec. 45. The President of the Philippines, upon recommendation of the Secretary of Environment and Natural Resources, shall from time to time fix by proclamation the period which applications for free patents may be filed in the Community Environment and Natural Resources Office or region specified in such proclamation, and upon the expiration of the period so designated, unless the same be extended by the President, all the land comprised within such district, chartered city, province, municipality or region subject thereto under the provisions of this Chapter may be disposed of as agricultural public land without prejudice to the prior right of the occupant and cultivator to acquire such land under this Act by means other than free patent. The time to be fixed in the entire Archipelago for the filing of applications under this Chapter shall not extend beyond December 2000, except in the provinces of Agusan del Norte, Agusan del Sur, Cotabato, South Cotabato, Bukidnon, Lanao del Norte, Lanao del Sur,

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Davao del Norte, Davao del Sur, Davao Oriental, Sulu, Mt. Province, Benguet, Kalinga-Apayao, Ifugao, Maguindanao, Tawi-Tawi and Basilan where the President of the Philippines, upon recommendation of the Secretary Environment and Natural Resources, shall determine or fix the time beyond which the filing of applications under this Chapter shall not extend: *Provided*, That the period fixed for any district, chartered city, province, or municipality shall begin to run 30 days after the publication of the proclamation in one newspaper of general circulation in the city, province or municipality concerned. A certified copy of said proclamation shall be furnished by the Secretary Environment and Natural Resources within 30 days counted from the date of the presidential proclamation to the Community Environment and Natural Resources Office and to the provincial board, the municipal board or city council and barangay council affected, and copies thereof shall be posted on the bulletin board of the Community Environment and Natural Resources Office and at conspicuous places in the provincial building and at the municipal building and barangay halls or meeting place. It shall moreover, be announced by government radio whenever available, in each of the barrios of the municipality.

Sec. 46. If, after the filing of the application and the investigation, the Director of Lands shall be satisfied of the truth of the allegations contained the application and that the applicant comes within the provisions of this Chapter, he shall cause a patent to issue to the applicant or his legal successor for the tract so occupied and cultivated, provided its area does not exceed 24 hectares: *Provided*, That no application shall be finally acted upon until notice thereof has been published in the municipality and barrio in which the land is located and adverse claimants have had an opportunity to present their claims.

CHAPTER VIII

JUDICIAL CONFIRMATION OF IMPERFECT OR INCOMPLETE TITLES

SECTION 47. The persons specified in the next following section are hereby granted time, not to extend beyond December 31, 2000 within which to take advantage of the benefit of this Chapter: *Provided*, That this period shall apply only where the area applied for does not exceed 12 hectares. *Provided, further*, That the several periods of time designated by the President in accordance with Section 45 of this Act shall apply also to the lands comprised in the provisions of this Chapter, but this Section shall not be construed as prohibiting any of said persons from acting under this Chapter at any time prior to the period fixed by the President.

Sec. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title thereafter, under the Land Registration Act, to wit:

- (a) Those who prior to the transfer of sovereignty from Spain to the United States have applied for the purchase, composition or other form of grant of lands of the public domain under the laws and royal decrees then in force and have instituted and prosecuted the proceedings in connection therewith, but have with or without default upon their part, or for any other cause, not received title therefor, if such applicants or grantees and their heirs have occupied and cultivated said lands continuously since the filing of their applications.
- (b) Those who by themselves or through their predecessors-in-interest have been in continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a *bona fide* claim of acquisition or ownership, for at least 30 years immediately preceding

the filing of the application for confirmation of title, except when prevented by war or *force majeure*. These shall be conclusively presumed to have performed all the conditions essential to a government grant and shall be entitled to a certificate of title under the provisions of this Chapter.

- (c) Members of the national cultural minorities who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of the public domain suitable to agriculture, whether disposable or not, under a *bona fide* claim of ownership for at least 30 years shall be entitled to the rights granted in subsection (b) hereof.

SEC. 49. No person claiming title to lands of the public domain not in possession of the qualifications specified in the last preceding section may apply for the benefits of this Chapter.

SEC. 50. Any person or persons, or their legal representatives or successors in right, claiming any lands or interest in lands under the provisions of this Chapter, must in every case present an application to the proper Regional Trial Court, praying that the validity of the alleged title or claim be inquired into and that a certificate of title be issued to them under the provisions of the Land Registration Act.

The application shall conform as nearly as may be in its material allegations to the requirements of an application for registration under the Land Registration Act, and shall be accompanied by a plan of the land and all documents evidencing a right on the part of the applicant to the land claimed. The application shall also state the citizenship of the applicant and shall set forth fully the nature of the claim and when based upon proceeding initiated under Spanish laws, it shall specify as exactly as possible the date and form of application for purchase composition or other form of grant, the extent of the compliance with the conditions required by the Spanish laws and royal decrees for the acquisition of legal title, and if not fully complied with, the reason for such noncompliance, together with a statement of the length of time such land or any portion thereof has been actually occupied by the claimant or his predecessors-in-interest; the use made of the land, and the nature of the enclosure, if any. The fees provided to be paid for the registration of lands under the Land Registration Act shall be collected from applicants under this Chapter.

SEC. 51. Applications for registration under this Chapter shall be heard in the Regional Trial Court in the same manner and shall be subject to the same procedure as established in the Land Registration Act for other applications, except that a notice of all such applications, together with a plan of the lands claimed, shall be immediately forwarded to the Director of Lands, who may appear as a party in such cases: *Provided*, That prior to the publication for hearing, all of the papers in said case shall be transmitted by the clerk to the Solicitor General or officer acting in his stead, in order that he may, if he deems it advisable for the interests of the government, investigate all of the facts alleged in the application or otherwise brought to his attention. The Solicitor General shall return such papers to the clerk as soon as practicable within three months.

The final decree of the court shall in every case be the basis for the original certificate of title in favor of the person entitled to the property under the procedure prescribed in Section 41 of the Land Registration Act.

SEC. 52. In cadastral proceedings, instead of an application, an answer or claim may be filed with the same effect as in the procedure provided in the last preceding two sections.

SEC. 53. It shall be lawful for the Director of Lands, whenever in the opinion of the President the public interest shall require it, to cause to be filed in the proper Regional Trial Court, through the Solicitor-

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General or the officer acting in his stead, a petition against the holder, claimant, possessor, or occupant of any land who shall not have voluntarily come in under the provisions of this chapter or of the Land Registration Act, stating in substance that the title of such holder, claimant, possessor, or occupant is open to discussion; or that the boundaries of any such land which has not been brought into court as aforesaid are open to question; or that it is advisable that the title to such lands be settled and adjudicated, and praying that the title to any such land or the boundaries thereof or the right to occupancy thereof be settled and adjudicated. The judicial proceedings under this Section shall be in accordance with the laws on adjudication of title in cadastral proceedings.

SEC. 54. If in the hearing of any application arising under this chapter the court shall find that more than one person or claimant has an interest in the land, such conflicting interests shall be adjudicated by the court and decree awarded in favor of the person or persons entitled to the land according to the laws, but if none of said person is entitled to the land, or if the person who might be entitled to the same lacks the qualifications required by this Act for acquiring agricultural land of the public domain, the decision shall be in favor of the government.

SEC. 55. Whenever, in any proceedings under this chapter to secure registration of an incomplete or imperfect claim of title initiated prior to the transfer of sovereignty from Spain to the United States, it shall appear that had such claims been prosecuted to completion under the laws prevailing when instituted, and under the conditions of the grant then contemplated, the conveyance of such land to the applicant would not have been gratuitous, but would have involved payment therefor to the Government, then and in that event the court shall, after decreeing in whom title should vest, further determine the amount to be paid as a condition for the registration of the land. Such judgment shall be certified to the Director of Lands by the clerk of the court for collection of the amount due from the person entitled to conveyance.

Upon payment to the Director of Lands of the price specified in the judgment, he shall so certify to the proper Court of First Instance and said court shall forthwith order the registration of the land in favor of the competent person entitled thereto. If said person shall fail to pay the amount of money required by the decree within a reasonable time fixed in the same, the court shall order the proceeding to stand dismissed and the title to the land shall then be in the State free from any claim of the applicant.

SEC. 56. Whenever any judgment of confirmation or other decree of the court under this chapter shall become final, the clerk of the court concerned shall certify that fact to the Director of Lands, with a certified copy of the decree of confirmation or judgment of the court and the plan and technical description of the land involved in the decree or judgment of the court.

SEC. 57. No title or right to, or equity in, any lands of the public domain may hereafter be acquired by prescription or by adverse possession or occupancy, or under or by virtue of any law in effect prior to American occupation, except as expressly provided by laws enacted after said occupation of the Philippines by the United States.

TITLE III

LANDS FOR RESIDENTIAL, COMMERCIAL OR INDUSTRIAL PURPOSES AND OTHER SIMILAR PURPOSES

CHAPTER IX

CLASSIFICATION AND CONCESSION OF PUBLIC LANDS SUITABLE FOR RESIDENCE, COMMERCE AND INDUSTRY

SECTION 58. Any tract of land of the public domain which, being neither timber nor mineral land, is intended to be used for residential purposes or for commercial, industrial, or other productive purposes other than agricultural, and is open to disposition or concession, shall be disposed of under the provisions of this chapter and not otherwise.

SEC. 59. The lands disposable under this title shall be classified as follows:

- (a) Lands reclaimed by the Government by dredging, filling, or other means;
- (b) Foreshore;
- (c) Marshy lands or lands covered with water bordering upon the shores or banks of navigable lakes or rivers;
- (d) Lands not included in any of the foregoing classes.

SEC. 60. Any tract of land comprised under this Title may be leased or sold, as the case may be, to any person, corporation, or association authorized to purchase or lease public lands for agricultural purposes. The area of the land so leased or sold shall be such as shall, in the judgment of the Secretary of Environment and Natural Resources, be reasonably necessary for the purposes for which such sale or lease is requested, and shall in no case exceed 144 hectares: *Provided, however,* That this limitation shall not apply to grants, donations, transfers made to a province, municipality or branch or subdivision of the Government for the purposes deemed by said entities conducive to the public interest; but the land so granted donated, or transferred to a province, municipality, or branch or subdivision of the Government shall not be alienated, encumbered, or otherwise disposed of in a manner affecting its title, except when authorized by Congress: *Provided, further,* That any person, corporation, association or partnership disqualified from purchasing public land for agricultural purposes under the provisions of this Act, may lease land included under this title suitable for industrial or residential purposes, but the lease granted shall only be valid while such land is used for the purposes referred to.

SEC. 61. The lands comprised in classes (a), (b), and (c) of Section 59 shall be disposed of to private parties by lease only and not otherwise, as soon as the President, upon recommendation by the Secretary of Environment and Natural Resources shall declare that the same are not necessary for the public service and are open to disposition under this Chapter. The lands included in class (d) may be disposed of by sale or lease under the provisions of this Act.

SEC. 62. The lands reclaimed by the Government by dredging, filling or otherwise shall be surveyed and may, with the approval of the Secretary of Environment and Natural Resources, be divided by the Director of Lands into lots and blocks, with the necessary streets and alleyways between them, and said Director shall give notice to the public by publication in the Official Gazette or by other means, that the lots or blocks not needed for public purposes shall be leased for commercial or industrial or other similar purposes.

SEC. 63. Whenever it is decided that lands covered by this Chapter are not needed for public purposes, the Director of Lands shall ask the Secretary of Agriculture and Commerce for authority to dispose of

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the same. Upon receipt of such authority, the Director of Lands shall give notice by public advertisement in the same manner as in the case of leases or sales of agricultural public land, that the Government will lease or sell, as the case may be, the lots or blocks specified in the advertisement, for the purpose stated in the notice and subject to the conditions specified in this chapter.

Sec. 64. The leases executed under this chapter by the Secretary of Environment and Natural Resource shall, among other conditions, contain the following:

- (a) The rental shall not be less than 3 percent of the appraised or reappraised value of the land plus 1 percent of the appraised or reappraised value of the improvements, except for lands reclaimed by the government which shall not be less than 4 percent of the appraised or reappraised value of the land plus 2 percent of the appraised or reappraised value of the improvements thereon: *Provided*, That 25 percent of the total annual rental on all lands reclaimed prior to the approval of this Act and 1 percent of the appraised or reappraised value of improvements shall accrue to the construction and improvement portion of the Portworks Fund: and *Provided, further*, That the annual rental on lands reclaimed using the Portworks Fund together with the fee due on account of the improvement thereon after the effectivity of this Act shall all accrue to the construction and improvement portion of the Portworks Fund.
- (b) The land rented and the improvements thereon shall be reappraised every 10 years if the term of the lease is in excess of that period.
- (c) The term of the lease shall be as prescribed by Section 38 of this Act.
- (d) The lessee shall construct permanent improvements appropriate for the purpose for which the lease is granted, shall commence the construction thereof within six months from the date of the award of the right to lease the land, and shall complete the said construction within eighteen months from said date.
- (e) At the expiration of the lease or of any extension of the same, all improvements made by the lessee, his heirs, executors, administrators, successors, or assigns shall become the property of the government.
- (f) The regulation of all rates and fees charged to the public; and the annual submission to the government for approval of all tariffs of such rates and fees.
- (g) The continuance of the easements of the coast police and other easements reserved by existing law or by any laws hereafter enacted.
- (h) Subjection to all easements and other rights acquired by the owners of lands bordering upon the foreshore or marshy land.

The violation of one or any of the conditions specified in the contract shall give rise to the rescission of said contract. The Secretary of Environment and Natural Resources may, however, subject to such conditions as he may prescribe, waive the rescission arising from a violation of the conditions of subsection (d), or extend the time within which the construction of the improvements shall be commenced and completed.

Sec. 65. The sale of the lands comprised in classes (c) and (d) of Section 59 shall, among others, comprise the following conditions:

- (a) The purchaser shall make improvements of a permanent character appropriate for the purpose for which the land is purchased, shall commence work thereon within six months from the receipt of the order of award, and shall complete the construction of said improvements within 18 months from the date of such award; otherwise the Secretary of Agriculture and Natural Resources may

rescind the contract.

(b) The purchase price shall be paid in cash or in equal annual installments, not to exceed 10.

The contract of sale may contain other conditions not inconsistent with the provisions of this Act.

SEC. 66. The kind of improvements to be made by the lessee or the purchaser, and the plans thereof, shall be subject to the approval of the Secretary of Public Works and Communications, in case they are constructions or improvements which if by the government, would properly have to be executed under the supervision of the Bureau of Public Works.

SEC. 67. The lease or sale shall be made through oral bidding; and adjudication shall be made to the highest bidder. However, where an applicant has made improvements on the land by virtue of a permit issued to him by competent authority, the sale or lease shall be made by sealed bidding as prescribed in Section 26 of this Act, the provisions of which shall be applied wherever applicable. If all or part of the lots remain unleased or unsold, the Director of Lands shall from time to time announce in the Official Gazette or in any other newspaper of general circulation, the lease or sale of those lots, if necessary.

SEC. 68. The Secretary of Environment and Natural Resources may grant to qualified persons temporary permission, upon payment of a reasonable charge, for the use of any portion of the lands covered by this Chapter for any lawful private purpose, subject to revocation at any time when, in his judgment, the public interest shall require it.

TITLE IV

LANDS FOR EDUCATIONAL, CHARITABLE, AND OTHER SIMILAR PURPOSES

CHAPTER X

CONCESSION OF LANDS FOR EDUCATIONAL, CHARITABLE, AND OTHER SIMILAR PURPOSES

SECTION 69. Whenever any province, municipality, or other branch or subdivision of the government shall need any portion of the land of the public domain open to concession for educational, charitable or other similar purposes, the President, upon recommendation by the Secretary of Environment and Natural Resources, may execute contracts in favor of the same in the form of donation, sale, lease, exchange, or any other form, under terms and conditions to be inserted in the contract; but land so granted shall in no case be encumbered or alienated, except when the public service requires their being leased or exchanged, with the approval of the President, for other lands belonging to private parties, or if the Congress disposes otherwise.

SEC. 70. Any tract of public land of the class covered by this title may be sold or leased for the purpose of founding a cemetery, church, college, school, university, or other institutions for educational, charitable or philanthropic purposes or scientific research, the area to be such as may actually and reasonably be necessary to carry out such purpose, but not to exceed 96 hectares in any case. The sale or lease shall be made subject to the same conditions as required for the sale and lease of agricultural public land, but the Secretary of Environment and Natural Resources may waive the conditions requiring cultivation. The Secretary of Environment and Natural Resources, if conveyance he sees fit, may order the sale to be made without public auction, at a price to be fixed by said Secretary, or the lease to be granted without auction, at a rental to be fixed by him. In either case it shall be a condition that the purchaser or lessee or their successors or assigns shall not sell transfer, encumber or lease the land for the purposes of speculation or use it for any purpose other than that contemplated in the application,

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and that the violation of this condition shall give rise to the immediate rescission of the sale or lease, as the case may be, and to the forfeiture to the government of all existing improvements: *Provided*, That it shall in no case be sublet, encumbered or resold under the conditions above set forth except with the approval of the Secretary of Environment and Natural Resources.

TITLE V

RESERVATIONS

CHAPTER XI

TOWN SITE RESERVATIONS

SECTION 71. Whenever it shall be considered to be in the public interest to found a new town, the Secretary of Environment and Natural Resources shall direct the Director of Lands to have a survey made by his Bureau of the exterior boundaries of the site on which such town is to be established, and upon the completion of the survey he shall send the same to said Secretary, with his recommendations.

SEC. 72. The Secretary of Environment and Natural Resources, if he approves the recommendations of the Director of Lands, shall submit the matter to the President to the end that the latter may issue a proclamation reserving the land surveyed, or such part thereof as he may deem proper, as a town site, and a certified copy of such proclamation shall be sent to the Director of Lands and another to the register of deeds of the province in which the surveyed land lies.

SEC. 73. It shall then be the duty of the Director of Lands, after having recorded the proclamation of the President and the survey accompanying the same, and having completed the legal proceedings prescribed in Chapter 13 of this Act, to direct a subdivision in accordance with the instructions of the Secretary of Environment and Natural Resources, if there shall be such instructions, and if there shall not be any, then in the manner which may to the Director of Lands seem best adapted to the convenience and interest of the public and the residents of the future town.

SEC. 74. The plat of the subdivision shall designate certain lots for commercial and industrial uses and the remainder as residence lots, and shall also reserve and note the lots owned by private individuals as evidenced by record titles, or possessed or claimed by them as private property. Such lots, whether public or private, shall be numbered upon a general plan or system.

The plat prepared by the Director of Lands shall be submitted to the Secretary of Environment and Natural Resources for consideration, modification, amendment, or approval.

SEC. 75. Unless the necessary reservations are made in the proclamation of the President, the Director of Lands, with the approval of the Secretary of Environment and Natural Resources, shall reserve out of the land by him to be subdivided lots of sufficient size and convenient situation for public use, as well as the necessary avenues, streets, alleyways, parks, and squares. The avenues, streets, alleys, parks, plazas, and lots shall be laid out on the plat as though the lands owned or claimed by private persons were part of the public domain and part of the reservation, with a view to the possible subsequent purchase or condemnation thereof, if deemed necessary by the proper authorities.

SEC. 76. At any time after the subdivision has been made, the President may, in case the public interest requires it, reserve for public purposes any lot or lots of the land so reserved and not disposed of.

SEC. 77. If, in order to carry out the provisions of this chapter, it shall be necessary to condemn private lands within the limits of the new town, the President shall direct the Solicitor General or officer acting in his stead to at once begin proceedings for condemnation, in accordance with the provisions of existing law.

SEC. 78. When the plat of subdivision has been finally approved by the Secretary of Agriculture and Commerce, the Director of Lands shall record the same in the records of his office and shall forward a certified copy of such record to the register of deeds of the province in which the land lies, to be by such register recorded in the records of his office.

SEC. 79. All lots, except those claimed by or belonging to private parties and those reserved for parks, buildings, and other public uses, shall be sold, after due notice, at public auction to the highest bidder, after the approval and recording of the plat of subdivision as above provided, but no bid shall be accepted that does not equal at least two-thirds of the appraised value, nor shall bids be accepted from persons, corporations, associations, or partnerships not authorized to purchase public lands for commercial, residential or industrial purposes under the provisions of this Act. The provisions of Sections 26 and 65 of this Act shall be observed in so far as they are applicable. Lots for which satisfactory bids have not been received shall be again offered for sale, under the same conditions as the first time, and if they then remain unsold, the Director of Lands shall be authorized to sell them at private sale for not less than two-thirds of their appraised value.

SEC. 80. All funds derived from the sale of lots shall be covered into the Philippine Treasury as part of the general funds.

SEC. 81. Not more than two residence lots and two lots for commercial and industrial uses in any one town site shall be sold to any one person, corporation, or association without the specific approval of the Secretary of Environment and Natural Resources.

SEC. 82. The Assembly shall have the power at any time to modify, alter, rescind, repeal, annul, and cancel, with or without conditions, limitation, exceptions, or reservations, all and any dispositions made by the executive branch of the Philippine Government by virtue of this chapter, and the exercise of this power shall be understood as reserved in all cases, as an inherent condition thereof.

CHAPTER XII

RESERVATIONS FOR PUBLIC AND SEMI-PUBLIC PURPOSES

SECTION 83. Upon the recommendation of the Secretary of Environment and Natural Resources, the President may designate by proclamation any tract or tracts of land of the public domain as reservations for the use of the Commonwealth of the Philippines or of any of its branches, or of the inhabitants thereof, in accordance with regulations prescribed for this purpose, or for quasi-public uses or purposes when the public interest requires it, including reservations for highways, right of way for railroads, hydraulic power sites, irrigation systems, communal pastures or leguas comunales, public parks, public quarries, public fishponds, workingmen's village and other improvements for the public benefit.

SEC. 84. Upon recommendation of the Secretary of Environment and Natural Resources, the President, may by proclamation, designate any tract or tracts of the public domain for the exclusive use of the non-Christian Filipinos, including in the reservation, in so far as practicable, the lands used or possessed by them, and granting to each member not already the owner, by title or gratuitous patent, of four or more hectares of land, the use and benefit only of a tract of land not to exceed four hectares for each

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male member over eighteen years of age or the head of a family. As soon as the Secretary of the Interior shall certify that the majority of the non-Christian inhabitants of any given reservation have advanced sufficiently in civilization, then the President may order that the lands of the public domain within such reservation be granted under the general provisions of this Act to the said inhabitants, and the subdivision and distribution of said lands as above provided shall be taken into consideration in the final disposition of the same. But any non-Christian inhabitant may at any time apply for the general benefits of this Act provided the Secretary of Environment and Natural Resources is satisfied that such inhabitant is qualified to take advantage of the provisions of the same: *Provided*, That all grants, deeds, patents and other instruments of conveyance of land or purporting to convey or transfer rights of property, privileges, or easements appertaining to or growing out of lands, granted by sultans, datus, or other chiefs of the so-called non-Christian tribes, without the authority of the Spanish Government while the Philippines were under the sovereignty of Spain, or without the consent of the United States Government or of the Philippine Government since the sovereignty over the Archipelago was transferred from Spain to the United States, and all deeds and other documents executed or issued or based upon the deeds, patents, and documents mentioned, are hereby declared to be illegal, void, and of no effect.

Sec. 85. Upon recommendation by the Secretary of Agriculture and Commerce, the President may, by proclamation designate any tract or tracts of land of the public domain for the establishment of agricultural colonies; and although the disposition of the lands to the colonists shall be made under the provisions of this Act, yet, while the Government shall have the supervision and management of said colonies, the Secretary of Environment and Natural Resources may make the necessary rules and regulations for the organization and internal administration of the same. The Secretary of Environment and Natural Resources may also, under conditions to be established by the Congress, turn over a colony so reserved to any person or corporation, in order that such person or corporation may clear, break, and prepare for cultivation the lands of said colony and establish the necessary irrigation system and suitable roads and fences; but final disposition shall be made of the land in accordance with the provisions of this Act, subject, however, to such conditions as the National Assembly may establish for the reimbursement of the expense incurred in putting such lands in condition for cultivation: *Provided*, That Congress may direct that such land so prepared for cultivation may be disposed of only by sale or lease.

CHAPTER XIII

PROVISIONS COMMON TO RESERVATIONS

SECTION 86. A certified copy of every proclamation of the President issued under the provisions of this title shall be forwarded to the Director of Lands for record in his office, and a copy of this record shall be forwarded to the register of deeds of the province or city where the land lies. Upon receipt of such certified copy, the Director of Lands shall order the immediate survey of the proposed reservation if the land has not yet been surveyed, and as soon as the plat has been completed, he shall proceed in accordance with the next following section.

Sec. 87. If all the lands included in the proclamation of the President are not registered under the Land Registration Act, the Solicitor-General, if requested to do so by the Secretary of Agriculture and Commerce, shall proceed in accordance with the provision of Section 53 of this Act.

Sec. 88. The tract or tracts of land reserved under the provisions of Section 83 shall be non-alienable and shall not be subject to occupation, entry, sale, lease, or other disposition until again declared alienable under the provisions of this Act or by proclamation of the President.

TITLE VI

GENERAL PROVISIONS

CHAPTER XIV

APPLICATIONS: PROCEDURE, CONCESSION OF LANDS, AND LEGAL RESTRICTIONS AND ENCUMBRANCES

SECTION 89. All applications filed under the provisions of this Act shall be addressed to the Director of Lands.

Sec. 90. Every application under the provisions of this Act shall be made under oath and shall set forth:

- (a) The full name of applicant, his age, place of birth, citizenship, civil status, and postoffice address. In case the applicant is a corporation, association or co-partnership, the application shall be accompanied with a certified copy of its articles of incorporation, association or co-partnership together with an affidavit of its President, manager, or other responsible officer, giving the names of the stockholders or members, their citizenship, and the number of shares subscribed by each.
- (b) That the applicant has all the qualifications required by this Act in the case.
- (c) That he has none of the disqualifications mentioned herein.
- (d) That the application is made in good faith, for the actual purpose of using the land for the object specified in the application and for no other purpose, and that the land is suitable for the purpose to which it is to be devoted.
- (e) That the application is made for the exclusive benefit of the application and not, either directly or indirectly, for the benefit of any other person or persons, corporation, association, or partnership.
- (f) As accurate a description of the land as may be given, stating its nature the province, municipality, barrio, and sitio where it is located, and its limits and boundaries, specifying those having reference to accidents of the ground or permanent monuments, if any.
- (g) Whether all or part of the land is occupied or cultivated or improved, and by whom, giving his postoffice address, and whether the land has been occupied or cultivated or improved by the applicant or his ascendant, the name of the ascendant, the relationship with him, the date and place of the death of the ascendant, the date when the possession and cultivation began, and description of the improvements made, accompanying satisfactory evidence of the relationship of the applicant with the ascendant, and of the death of the latter and the descendants left by him, in case it is alleged that he occupied and cultivated the land first; or whether there are indications of its having been occupied, cultivated, or improved entirely or partially, and if so, in what such indications consist, whether he has made investigations as to when and by whom such improvements were made, and if so, how such investigations were made and what was the result thereof; or whether the land is not occupied, improved, or cultivated either entirely or partially, and there are no indications of it having ever been occupied, improved, or cultivated, and in this case, what is the condition of the land.
- (h) That the land applied for is neither timber nor mineral land and does not contain guano or deposits of salts or coal.
- (i) That the applicant agrees that a strip 40 meters wide starting from the bank on each side of any river or stream that may be found on the land applied for, shall be demarcated and preserved as permanent timberland to be planted exclusively to trees of known economic value, and that he

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shall not make any clearing thereon or utilize the same for ordinary farming purposes even after patent shall have been issued to him or a contract of lease shall have been executed in his favor.

Sec. 91. The statements made in the application shall be considered as essential conditions and parts of any concession, title, or permit issued on the basis of such application, and any false statements therein or omission of facts altering, changing, or modifying the consideration of the facts set forth in such statements, and any subsequent modification, alteration, or change of the material facts set forth in the application shall *ipso facto* produce the cancellation of the concession, title, or permit granted. It shall be the duty of the Director of Lands, from time to time and whenever he may deem it advisable, to make the necessary investigations for the purpose of ascertaining whether the material facts set out in the application are true, or whether they continue to exist and are maintained and preserved in good faith, and for the purposes of such investigation, the Director of Lands is hereby empowered to issue subpoenas and subpoenas *duces tecum* and, if necessary, to obtain compulsory process from the courts. In every investigation made in accordance with this Section, the existence of bad faith, fraud, concealment, or fraudulent and illegal modification of essential facts shall be presumed if the grantee or possessor of the land shall refuse or fail to obey a *subpoena* or *subpoena duces tecum* lawfully issued by the Director of Lands or his authorized delegates or agents, or shall refuse or fail to give direct and specific answers to pertinent questions, and on the basis of such presumption, an order of cancellation may issue without further proceedings.

Sec. 92. Although the maximum area of public land that may be acquired is fixed, yet the spirit of this Act is that the rule which must determine the real area to be granted is the beneficial use of the land. The concession or disposition shall be for less than the maximum area authorized if, at the time of the issuance of the patent or of the concession or disposition, it shall appear that the applicant is utilizing and is only able to utilize a smaller area, even though the application is for a greater area. For the purposes of this Section, the Director of Lands is authorized to determine the area that may be granted to the applicant, and to deny or cancel or limit any application for concession, purchase, or lease if convinced of the lack of means of the applicant for using the land for the purpose for which he has requested it.

Sec. 93. Lands applied for under this Act shall conform to the legal subdivisions and shall be contiguous if comprising more than one subdivision. If subdivisions have not been made on the date of the application, the lands shall be rectangular in form so far as practicable, but it shall be endeavored to make them conform to the legal subdivision as soon as the same has been made, provided the interests of the applicant or grantee are protected; and the subdivision assigned to the applicant or grantee shall, so far as practicable, include the land improved or cultivated. The regulations to be issued for the execution of the provisions of this section shall take into account the legal subdivision to be made by the Government and the inadvisability of granting the best land at a given place to only one person.

Sec. 94. In case the legal subdivisions have already been made at the time of the filing of the application, no charge shall be made for the survey; but if the legal subdivisions have not yet been made, the cost of the survey shall be charged to the government, except in the following cases:

- (a) In purchases under chapters five and ten of this Act, the cost of the survey shall be charged to the purchaser if the same is a corporation, association, or partnership; in other purchases the purchases, whoever it be, shall pay the total cost of the survey.
- (b) In leases, the cost of the survey shall be paid by the lessee; but at any time after the first five years from the approval of the lease, and during Cost of the life of the same, the lessee shall be entitled to the reimbursement of one-half of the cost of the survey, if he shows to the satisfaction of the

Director of Lands that he has occupied and improved a sufficient area of the land or incurred sufficient expenses in connection therewith to warrant such reimbursement.

SEC. 95. If before the delimitation and survey of a tract of public land the President shall declare the same disposable or alienable and such land shall be actually occupied by a person other than the applicant, the Director of Lands shall inform the occupant of his prior right to apply for the land and shall give him one hundred and twenty days time in which to file the application or apply for the concession by any of the forms of disposition authorized by this Act, if such occupant is qualified to acquire a concession under this Act.

SEC. 96. As soon as any land of the public domain has been surveyed, delimited, and classified, the President may, in the order issued by him declaring it open for disposition, designate a term within which occupants with improvements but not entitled to free patents may apply for the land occupied by them, if they have the qualifications required by this Act.

SEC. 97. If in the case of the two last preceding sections, the occupant or occupants have not made application under any of the provisions of this Act at the expiration of the time limit fixed, they shall lose any prior right to the land recognized by this Act, and the improvements on the land, if any, shall be forfeited to the government.

SEC. 98. All rights in and interest to, and the improvements and crops upon, land for which an application has been denied or canceled or a patent or grant refused, or a contract or concession rescinded or annulled, shall also be forfeited to the Government.

SEC. 99. The Secretary of Environment and Natural Resources may order such improvements and crops to be appraised separately, for sale to the new applicant or grantee, or may declare such land open only to sale or lease.

SEC. 100. In case the cancellation is due to delinquency on the part of the applicant or grantee, the same shall be entitled to the reimbursement of the proceeds of the sale of the improvements and crops, after deducting the total amount of his indebtedness to the government and the expense incurred by it in the sale of the improvements or crops and in the new concession of the land.

SEC. 101. All actions for the reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Solicitor-General or the officer acting in his stead, in the proper courts, in the name of the Commonwealth of the Philippines.

SEC. 102. Any person, corporation, or association may file an objection under oath to any application or concession under this Act, grounded on any reason sufficient under this Act for the denial or cancellation of the application or the denial of the patent or grant. If, after the applicant or grantee has been given suitable opportunity to be duly heard, the objection is found to be well founded, the Director of Lands shall deny or cancel the application or deny patent or grant, and the person objecting shall, if qualified, be granted a prior right of entry for a term of 60 days from the date of the notice.

SEC. 103. All the proofs, affidavits, and oaths of any kind required or necessary under this Act may be made before the justice of the peace 71 of the municipality in which the land lies, or before the judge or clerk of the Court of First Instance of the province in which the land lies, or before any justice of the peace or chargeable notary public of the province in which the land lies, or before any officer or employee of the Bureau of Lands authorized by law to administer oaths.

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The fees for the taking of final evidence before any of the officials herein-before mentioned shall be as follows:

For each affidavit, fifty centavos (P0.50).

For each deposition of the applicant or the witness, fifty centavos (P0.50).

SEC. 104. Any owner of uncultivated agricultural land who knowingly permits application for the same to be made to the Government and the land to be tilled and improved by a *bona fide* grantee without protesting to the Bureau of Lands within one year after cultivation has begun, shall lose all to the part of the land so cultivated and improved, unless he shall bring action in the proper court before such action for recovery prescribes and obtains favorable judgment therein, in which case the court shall, upon its decision becoming final, order the payment to the grantee, within a reasonable period, of the indemnity fixed by said court for the cultivation and improvement.

SEC. 105. If at any time the applicant or grantee shall die before the issuance of the patent or the final grant of the land, or during the life of the lease, or while the applicant or grantee still has obligations pending towards the government, in accordance with this Act, he shall be succeeded in his rights and obligations with respect to the land applied for or granted or leased under this Act by his heirs in law, who shall be entitled to have issued to them the patent or final concession if they show that they have complied with the requirements therefor, and who shall be subrogated in all his rights and obligations for the purposes of this Act.

SEC. 106. If at any time after the approval of the application and before the issuance of a patent or the final concession of the land, or during the life of the lease, or at any time when the applicant or grantee still has obligations pending with the Government, in accordance with this Act, it appears that the land applied for is necessary, in the public interest, for the protection of any source of water or for any work for the public benefit that the government wishes to undertake, the Secretary of Agriculture and Commerce may order the cancellation of the application or the non issuance of the patent or concession or the exclusion from the land applied for of such portion as may be required, upon payment of the value of the improvements, if any.

SEC. 107. All patents or certificates for land granted under this Act shall be prepared in the Bureau of Lands and shall be issued in the name of the Government of the Republic of the Philippines under the signature of the President of the Philippines: *Provided, however,* That the President of the Philippines may delegate to the Secretary of Environment and Natural Resources and/or the Undersecretary for Natural Resources the power to sign patents or certificates covering lands not exceeding 144 hectares in area, and to the Secretary of Environment and Natural Resources the power to sign patents or certificates covering lands exceeding 144 hectares in area: *Provided, further,* That District Land Officers in every province are hereby empowered to sign patents or certificates covering lands not exceeding 5 hectares in area when the office of the District Land Officer is properly equipped to carry out the purposes of this Act: *Provided,* That no applicant shall be permitted to split the area applied for by him in excess of the area fixed in this Section among his relatives within the sixth degree of consanguinity or affinity excepting the applicant's married children who are actually occupying the land: *Provided, finally,* That copies of said patents issued shall be furnished to the Bureau of Lands for record purposes. No patent or certificate shall be issued by the District Land Officer unless the survey of the land covered by such patent or certificate, whether made by the Bureau of Lands or by a private surveyor, has been approved by the Director of Lands. The Director of Lands shall promptly act upon all surveys submitted to him for approval and return the same to the District Land Officer within 90 days after receipt of such surveys by his office. In case of disapproval, the Director of Lands shall state the reasons therefor. Any person aggrieved by the decision or action of the District Land Officer may, within 30 days

from receipt of the copy of the said decision, appeal to the Director of Lands. Such patents or certificates shall be effective only for the purposes defined in Section 122 of the land Registration Act, and actual conveyance of the land shall be effected only as provided in said Section.

All surveys pending approval by the Director of Lands at the time this Act takes effect shall be acted upon by him within 90 days from the effectivity of this Act.

SEC. 108. No patent shall issue nor shall any concession or contract be finally approved unless the land has been surveyed and an accurate plat made thereof by the Bureau of Lands.

SEC. 109. In no case shall any land be granted under the provisions of this Act when this affects injuriously the use of any adjacent land or of the waters, rivers, creeks, foreshore, roads, or roadsteads, or vest the grantee with other valuable rights that may be detrimental to the public interest.

SEC. 110. Patents or certificates issued under the provisions of this Act shall not include nor convey the title to any gold, silver, copper, iron, or other metals or minerals, or other substances containing minerals, guano, gums, precious stones, coal, or coal oil contained in lands granted thereunder. These shall remain to be property of the State.

SEC. 111. All persons receiving title to lands under the provisions of this Act shall hold such lands subject to the provisions hereof and to the same public servitudes as exist upon lands owned by private persons, including those with reference to the littoral of the sea and the banks of navigable rivers or rivers upon which rafting may be done.

SEC. 112. Said land shall further be subject to a right-of-way not exceeding 60 meters in width for public highways, railroads, irrigation ditches, aqueducts, telegraph and telephone lines and similar works as the government or any public or quasi-public service or enterprise, including mining or forest concessionaires, may reasonably require for carrying on their business, with damages for the improvements only.

Government officials charged with the prosecution of these projects or their representatives are authorized to take immediate possession of the portion of the property subject of the lien as soon as the need arises and after due notice to the owners. It is however, understood that ownership over said properties shall immediately revert to the title holders should the airport be abandoned or when the infrastructure projects are completed and buildings used by project engineers are abandoned or dismantled, but subject to the same lien for future improvements.

SEC. 113. The beneficial use of water shall be the basis, the measure, and the limit of all rights thereto, and the patents herein granted shall be subject to the right of the government to make such rules and regulations for the use of water and the protection of the water supply, and for other public purposes, as it may deem best for the public good. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, or by the laws and decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and all patents granted under this Act shall be subject to any vested and accrued rights to ditches and reservoirs used in connection with such water rights as may have been acquired in the manner above described prior to April 11, 1899.

SEC. 114. There is hereby reserved from the operation of all patents, certificates, entries, and grants by the government authorized under this Act the right to use for the purposes of power any flow of water in any stream running through or by the land granted, the convertible power from which at ordinary

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low water exceeds 50 horsepower. Where the convertible power in any stream running through or by land granted under the authority of this Act thus exceeds 50 horsepower, and there is no means of using such power except by the occupation of a part of the land granted under authority of this Act, then so much land as is reasonably necessary for the mill site or site for the powerhouse, and for a suitable dam and site for massing the water, is hereby excepted from such grants, not exceeding four hectares, and a right of way to the nearest public highway from the land thus excepted, and also a right of way for the construction and maintenance of such flumes, aqueducts, wires, poles, or order conduits as may be needed in conveying the water to the point where its fall will yield the greatest power, or the power from the point of conversion to the point of use, is reserved as a servitude or easement upon the land granted by authority of this Act: *Provided, however,* That when the government or any concessionaire of the government shall take possession of the land under this section which a grantee under this Act shall have paid for, supposing it to be subject to grant under this Act, said grantee shall be entitled to indemnity from the government or the concessionaire, as the case may be, in the amount, if any, paid by him to the government for the land taken from him by virtue of this Section: and *Provided, further,* That with respect to the flow of water, except for converting the same into power exceeding 50 horsepower, said grantee shall be entitled to the same use of the water flowing through or along his land that other private owners enjoy under the law, subject to the governmental regulation provided in the previous section. Water power privileges in which the convertible power at ordinary low water shall exceed 50 horsepower shall be disposed of only upon terms established by an Act of the Assembly concerning the use, lease or acquisition of such water privilege.

SEC. 115. All lands granted by virtue of this Act, including homesteads upon which final proof has not been made or approved, shall, even though and while the title remains in the State, be subject to the ordinary taxes, which shall be paid by the grantee or the applicant, beginning with the year next following the one in which the homestead application has been filed, or the concession has been approved, or the contract has been signed, as the case may be, on the basis of the value fixed in such filing, approval or signing of the application, concession or contract.

SEC. 116. The appraisal or reappraisal of the lands or improvements subject to concession or disposition under this Act shall be made by the Director of Lands, with the approval of the Secretary of Agriculture and Commerce. The Director of Lands may request the assistance of the provincial treasurer of the province in which the land lies or may appoint a committee for such purpose in the province or in the municipality in which the land lies. In no case shall the appraisal or reappraisal be less than the expense incurred or which may be incurred by the government in connection with the application or concession, nor shall any reappraisal be made with an increase of more than 100 percent upon the appraisal or reappraisal next preceding.

SEC. 117. All sums due and payable to the Government under this Act, except homestead fees, shall draw simple interest at the rate of 4 percent per annum from and after the date in which the debtor shall become delinquent.

SEC. 118. Except in favor of the government or any of its branches, units, or institutions, lands acquired under free patent or homestead provisions shall not be subject to encumbrance or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent or grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period, but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations, or corporations.

No alienation, transfer, or conveyance of any homestead after five years and before 25 years after issuance of title shall be valid without the approval of the Secretary of Environment and Natural Resources, which approval shall not be denied except on constitutional and legal grounds.

SEC. 119. Every conveyance of land acquired under the free patent or homestead provisions, when proper, shall be subject to repurchase by the applicant, his widow, or legal heirs, within a period of five years from the date of the conveyance.

SEC. 120. Conveyance and encumbrance made by persons belonging to the so-called “non-Christian Filipinos” or national cultural minorities, when proper, shall be valid if the person making the conveyance or encumbrance is able to read and can understand the language in which the instrument or conveyance or encumbrances is written. Conveyances and encumbrances made by illiterate non-Christian or literate non-Christians where the instrument of conveyance or encumbrance is in a language not understood by the said literate non-Christians shall not be valid unless duly approved by the Chairman of the Commission on National Integration.

SEC. 121. Except with the consent of the grantee and the approval of the Secretary of Natural Resources, and solely for commercial, industrial, educational, religious or charitable purposes or for a right of way, no corporation, association, or partnership may acquire or have any right, title, interest, or property right whatsoever to any land granted under the free patent, homestead, or individual sale provisions of this Act or to any permanent improvement on such land.

The provisions of Section 124 of this Act to the contrary notwithstanding, any acquisition of such land, rights thereto or improvements thereon by a corporation, association, or partnership prior to the promulgation of this Decree for the purposes herein stated is deemed valid and binding; *Provided*, That no final decision of reversion of such land to the State has been rendered by a court: and *Provided, further*, That such acquisition is approved by the Secretary of Natural Resources within six months from the effectivity of this Decree.

SEC. 122. No land originally acquired in any manner under the provisions of this Act, nor any permanent improvement on such land, shall be encumbered, alienated, or transferred, except to persons, corporations, associations, or partnerships who may acquire lands of the public domain under this Act or to corporations organized in the Philippines authorized therefor by their charters.

Except in cases of hereditary succession, no land or any portion thereof originally acquired under the free patent, homestead, or individual sale provisions of this Act, or any permanent improvement on such land, shall be transferred or assigned to any individual, nor shall such land or any permanent improvement thereon be leased to such individual, when the area of said land, added to that of his own, shall exceed 144 hectares. Any transfer, assignment, or lease made in violation hereof, shall be null and void.

SEC. 123. No land originally acquired in any manner under the provisions of any previous Act, ordinance, royal order, royal decree, or any other provision of law formerly in force in the Philippines with regard to public lands, *terrenos baldios y realengos*, or lands of any other denomination that were actually or presumptively of the public domain, or by royal grant or in any other form, nor any permanent improvement on such land, shall be encumbered, alienated, or conveyed, except to persons, corporations or associations who may acquire land of the public domain under this Act or to corporate bodies organized in the Philippines whose charters authorize them to do so: *Provided, however*, That this prohibition shall not be applicable to the conveyance or acquisition by reason of hereditary succession duly acknowledged and legalized by competent courts; *Provided, further*, That in the event of the ownership of the lands and improvements mentioned in this section and in the last preceding section being transferred by judicial decree to persons, corporations or associations not legally

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capacitated to acquire the same under the provisions of this Act, such persons, corporations, or associations shall be obliged to alienate said lands or improvements to others so capacitated within the precise period of five years; otherwise, such property shall revert to the Government.

SEC. 124. Any acquisition, conveyance, alienation, transfer, or other contract made or executed in violation of any of the provisions of Sections 118, 120, 121, 122, and 123 of this Act shall be unlawful and null and void from its execution and shall produce the effect of annulling and cancelling the grant, title, patent, or permit originally issued, recognized or confirmed, actually or presumptively, and cause the reversion of the property and its improvements to the State.

SEC. 125. The provisions of Sections 22, 23, 33 122, and 123 of this Act, and any other provision or provisions restricting or tending to restrict the right of persons, corporations, or associations to acquire, hold, lease, encumber, dispose of, or alienate land in the Philippines, or permanent improvements thereon, or any interest therein, shall not be applied in cases in which the right to acquire, hold or dispose of such land, permanent improvements thereon or interests therein in the Philippines is recognized by existing treaties in favor of citizens or subjects of foreign nations and corporations or associations organized and constituted by the same, which right, in so far as it exists under such treaties, shall continue and subsist in the manner and to the extent stipulated in said treaties, and only while these are in force, but not thereafter.

SEC. 126. All public auctions provided for in the foregoing chapters in the disposition of public lands shall be held, wherever possible, in the province where the land is located, or, in the office of the Bureau of Lands in Manila.

CHAPTER XV

TRANSITORY PROVISIONS

SECTION 127. During the existence and continuance of the Commonwealth and before the Republic of the Philippines is finally established, citizens and corporations of the United States shall enjoy the same rights granted to citizens and corporations of the Philippines under this Act.

SEC. 128. During the period specified in the next preceding section, the President of the Philippines, upon receipt of the order of the President of the United States, shall, by proclamation, designate such land as the latter may set aside for military, naval or other reservations for use of the government of the United States.

CHAPTER XVI

PENAL PROVISIONS

SECTION 129. Any person who presents or causes to be presented, or cooperates in the presentation of, any false application, declaration, or evidence, or makes or causes to be made or cooperates in the making of a false affidavit in support of any petition, claim, or objection respecting lands of the public domain, shall be deemed guilty of perjury and punished accordingly.

SEC. 130. Any person who voluntarily and maliciously prevents or hinders or attempts to prevent or hinder the presentation of any application for public land under this Act, or who in any manner attempts to execute or executes acts intended to dissuade or discourage, or aid to dissuade or discourage, the acquisition of public lands, shall be deemed guilty of coercion and be punished accordingly.

SEC. 131. Any person who sells forms issued and distributed gratuitously under this Act or who, being an officer charged with distributing them, refuses or fails, without sufficient reason, to furnish the same, shall be punished for each offense by a fine of not more than one hundred pesos or by imprisonment for not more than three months, or both, in the discretion of the court.

SEC. 132. Any person, corporation, association or partnership which, not being qualified or no longer authorized to apply for public land under the provisions of this Act, files or induces or knowingly permits another person, corporation, association or partnership to file an application in his or its behalf or for his or its interest, benefit or advantage, shall be punished by a fine of not less than two hundred nor more than five thousand pesos or by imprisonment for not less than two months nor more than five years, or both, in the discretion of the court; and the application shall be cancelled.

SEC. 133. Any person who, without having the qualifications required by this Act, shall by deceit or fraud acquire or attempt to acquire lands of the public domain or other real property or any right, title or interest, or property right of any class to the same, and any person aiding and abetting him therein or serving as a means or tool therefor, shall, upon conviction, be punished by a fine of not more than Five Thousand Pesos (P5,000), or by the imprisonment for not more than five years, or both, in the discretion of the court.

TITLE VII

FINAL PROVISIONS

CHAPTER XVII

EFFECTIVENESS OF THIS ACT

SECTION 134. If, for any reason, any section or provision of this Act is challenged in a competent court and is held to be unconstitutional, none of the other sections or provisions thereof shall be affected thereby and such other sections and provisions shall continue to govern as if the section or provisions so annulled, disapproved, or repealed had never been incorporated in this Act, and in lieu of the section or provision so annulled, disapproved, or repealed, the provisions of law on the subject thereof in force prior to the approval of this Act shall govern until the Assembly shall otherwise provide in the premises.

SEC. 135. All laws and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed.

SEC. 136. This Act shall take effect on December 1, 1936 unless the President shall, in the proclamation announcing its effectiveness, designate a prior date, in which case this Act shall take effect on the date so designated.

Approved: November 7, 1936.

REPUBLIC ACT No. 6657
AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE
SOCIAL JUSTICE AND INDUSTRIALIZATION, PROVIDING THE MECHANISM
FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES

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

CHAPTER I

PRELIMINARY CHAPTER

SECTION 1. Title. – This Act shall be known as the *“Comprehensive Agrarian Reform Law of 1988.”*

SEC. 2. Declaration of Principles and Policies. – It is the policy of the State to pursue a Comprehensive Agrarian Reform Program (CARP). The welfare of the landless farmers and farmworkers will receive the highest consideration to promote social justice and to move the nation toward sound rural development and industrialization, and the establishment of owner cultivatorship of economic-size farms as the basis of Philippine agriculture.

To this end, a more equitable distribution and ownership of land, with due regard to the rights of landowners to just compensation and to the ecological needs of the nation, shall be undertaken to provide farmers and farmworkers with the opportunity to enhance their dignity and improve the quality of their lives through greater productivity of agricultural lands.

The agrarian reform program is founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a share of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to the priorities and retention limits set forth in this Act, having taken into account ecological, developmental, and equity considerations, and subject to the payment of just compensation. The State shall respect the right of small landowners, and shall provide incentives for voluntary land-sharing.

The State shall recognize the right of farmers, farmworkers and landowners, as well as cooperatives and other independent farmers’ organizations, to participate in the planning, organization, and management of the program, and shall provide support to agriculture through appropriate technology and research, and adequate financial, production, marketing and other support services.

The State shall apply the principles of agrarian reform, or stewardship, whenever applicable, in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain, under lease or concession, suitable to agriculture, subject to prior rights, homestead rights of small settlers and the rights of indigenous communities to their ancestral lands.

The State may resettle landless farmers and farmworkers in its own agricultural estates, which shall be distributed to them in the manner provided by law.

By means of appropriate incentives, the State shall encourage the formation and maintenance of economic-size family farms to be constituted by individual beneficiaries and small landowners.

The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. It shall provide

support to such fishermen through appropriate technology and research, adequate financial, production and marketing assistance and other services. The State shall also protect, develop and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fishworkers shall receive a just share from their labor in the utilization of marine and fishing resources.

The State shall be guided by the principles that land has a social function and land ownership has a social responsibility. Owners of agricultural lands have the obligation to cultivate directly or through labor administration the lands they own and thereby make the land productive.

The State shall provide incentives to landowners to invest the proceeds of the agrarian reform program to promote industrialization, employment and privatization of public sector enterprises. Financial instruments used as payment for lands shall contain features that shall enhance negotiability and acceptability in the marketplace.

The State may lease undeveloped lands of the public domain to qualified entities for the development of capital-intensive farms, traditional and pioneering crops especially those for exports subject to the prior rights of the beneficiaries under this Act.

SEC. 3. Definitions . – For the purpose of this Act, unless the context indicates otherwise:

- (a) Agrarian Reform means the redistribution of lands, regardless of crops or fruits produced, to farmers and regular farmworkers who are landless, irrespective of tenurial arrangement, to include the totality of factors and support services designed to lift the economic status of the beneficiaries and all other arrangements alternative to the physical redistribution of lands, such as production or profit-sharing, labor administration, and the distribution of shares of stock, which will allow beneficiaries to receive a just share of the fruits of the lands they work.
- (b) Agriculture, Agricultural Enterprise or Agricultural Activity means the cultivation of the soil, planting of crops, growing of fruit trees, including the harvesting of such farm products, and other farm activities and practices performed by a farmer in conjunction with such farming operations done by persons whether natural or juridical.
- (c) Agricultural Land refers to land devoted to agricultural activity as defined in this Act and not classified as mineral, forest, residential, commercial or industrial land.
- (d) Agrarian Dispute refers to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of such tenurial arrangements.

It includes any controversy relating to compensation of lands acquired under this Act and other terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries, whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee.

- (e) Idle or Abandoned Land refers to any agricultural land not cultivated, tilled or developed to produce any crop nor devoted to any specific economic purpose continuously for a period of three years immediately prior to the receipt of notice of acquisition by the government as provided under this Act, but does not include land that has become permanently or regularly devoted to non-agricultural purposes. It does not include land which has become unproductive by reason of *force majeure* or any other fortuitous event, provided that prior to such event, such land was previously used for agricultural or other economic purposes.
- (f) Farmer refers to a natural person whose primary livelihood is cultivation of land or the

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production of agricultural crops either by himself, or primarily with the assistance of his immediate farm household, whether the land is owned by him, or by another person under a leasehold or share tenancy agreement or arrangement with the owner thereof.

- (g) Farmworker is a natural person who renders services for value as an employee or laborer in an agricultural enterprise or farm regardless of whether his compensation is paid on a daily, weekly, monthly or *pakyaw* basis. The term includes an individual whose work has ceased as a consequence of, or in connection with, a pending agrarian dispute who has not obtained a substantially equivalent and regular farm employment.
- (h) Regular Farmworker is a natural person who is employed on a permanent basis by an agricultural enterprise or farm.
- (i) Seasonal Farmworker is a natural person who is employed on a recurrent, periodic or intermittent basis by an agricultural enterprise or farm, whether as a permanent or a non-permanent laborer, such as *dumaan*, *sacada*, and the like.
- (j) Other Farmworker is a farmworker who does not fall under paragraphs (g), (h) and (i).
- (k) Cooperatives shall refer to organizations composed primarily of small agricultural producers, farmers, farmworkers, or other agrarian reform beneficiaries who voluntarily organize themselves for the purpose of pooling land, human, technological, financial or other economic resources, and operated on the principle of one member, one vote. A juridical person may be a member of a cooperative, with the same rights and duties as a natural person.

CHAPTER II

COVERAGE

SECTION 4. Scope. – The Comprehensive Agrarian Reform Law of 1988 shall cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands as provided in Proclamation No. 131 and Executive Order No. 229, including other lands of the public domain suitable for agriculture.

More specifically, the following lands are covered by the Comprehensive Agrarian Reform Program:

- (a) All alienable and disposable lands of the public domain devoted to or suitable for agriculture. No reclassification of forest or mineral lands to agricultural lands shall be undertaken after the approval of this Act until Congress, taking into account ecological, developmental and equity considerations, shall have determined by law, the specific limits of the public domain;
- (b) All lands of the public domain in excess of the specific limits as determined by Congress in the preceding paragraph;
- (c) All other lands owned by the Government devoted to or suitable for agriculture; and
- (d) All private lands devoted to or suitable for agriculture regardless of the agricultural products raised or that can be raised thereon.

SEC. 5. Schedule of Implementation. – The distribution of all lands covered by this Act shall be implemented immediately and completed within 10 years from the effectivity thereof.

SEC. 6. Retention Limits. – Except as otherwise provided in this Act, no person may own or retain, directly, any public or private agricultural land, the size of which shall vary according to factors governing a viable family-size farm, such as commodity produced, terrain, infrastructure, and soil fertility as

determined by the Presidential Agrarian Reform Council (PARC) created hereunder, but in no case shall retention by the landowner exceed five hectares. Three hectares may be awarded to each child of the landowner, subject to the following qualifications: (1) that he is at least 15 years of age; and (2) that he is actually tilling the land or directly managing the farm; *Provided*, That landowners whose lands have been covered by Presidential Decree No. 27 shall be allowed to keep the area originally retained by them thereunder; *Provided, further*, That original homestead grantees or direct compulsory heirs who still own the original homestead at the time of the approval of this Act shall retain the same areas as long as they continue to cultivate said homestead.

The right to choose the area to be retained, which shall be compact or contiguous shall pertain to the landowner; *Provided, however*, That in case the area selected for retention by the landowner is tenanted, the tenant shall have the option to choose whether to remain therein or be a beneficiary in the same or another agricultural land with similar or comparable features. In case the tenant chooses to remain in the retained area, he shall be considered a leaseholder and shall lose his right to be a beneficiary in another agricultural land, he loses his right as a leaseholder to the land retained by the landowner. The tenant must exercise this option within a period of one year from the time the landowner manifests his choice of the area for retention.

In all cases, the security of tenure of the farmers or farmworkers on the land prior to the approval of this Act shall be respected.

Upon the effectivity of this Act, any sale, disposition, lease, management contract or transfer of possession of private lands executed by the original landowner in violation of this Act shall be null and void; *Provided, however*, That those executed prior to this Act shall be valid only when registered with the Register of Deeds within a period of three months after the effectivity of this Act . Thereafter, all Registers of Deeds shall inform the DAR within 30 days of any transaction involving agricultural lands in excess of five hectares.

SEC. 7. Priorities. – The Department of Agrarian Reform (DAR), in coordination with the PARC, shall plan and program the acquisition and distribution of all agricultural lands through a period of 10 years from the effectivity of this Act. Lands shall be acquired and distributed as follows:

Phase One: Rice and corn lands under Presidential Decree No. 27; all idle or abandoned lands; all private lands voluntarily offered by the owners for agrarian reform; all lands foreclosed by government financial institutions; all lands acquired by the Presidential Commission on Good Government (PCGG); and all other lands owned by the government devoted to or suitable for agriculture, which shall be acquired and distributed immediately upon the effectivity of this Act, with the implementation to be completed within a period of not more than four years;

Phase Two: All alienable and disposable public agricultural lands; all arable public agricultural lands under agro-forest, pasture and agricultural leases already cultivated and planted to crops in accordance with Section 6, Article XIII of the Constitution; all public agricultural lands which are to be opened for new development and resettlement ; and all private agricultural lands in excess of 50 hectares, insofar as the excess hectareage is concerned, to implement principally the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till, which shall be distributed immediately upon the effectivity of this Act, with the implementation to be completed within a period of not more than four years;

Phase Three: All other private agricultural lands commencing with large landholdings and proceeding to medium and small landholdings under the following schedule:

- a) Landholdings above 24 hectares up to 50 hectares, to begin on the fourth year from the effectivity of this Act and to be completed within three years; and

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- b) Landholdings from the retention limit up to 24 hectares, to begin on the sixth year from the effectivity of this Act and to be completed within four years; to implement principally the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till.

The schedule of acquisition and redistribution of all agricultural lands covered by this program shall be made in accordance with the above order of priority, which shall be provided in the implementing rules to be prepared by the Presidential Agrarian Reform Council (PARC), taking into consideration the following: the need to distribute lands to the tiller at the earliest practicable time; the need to enhance agricultural productivity; and the availability of funds and resources to implement and support the program.

In any case, the PARC, upon recommendation by the Provincial Agrarian Reform Coordinating Committee (PARCCOM), may declare certain provinces or regions as priority land reform areas, in which case the acquisition and distribution of private agricultural lands therein may be implemented ahead of the above schedules.

In effecting the transfer within these guidelines, priority must be given to lands that are tenanted.

The PARC shall establish guidelines to implement the above priorities and distribution scheme, including the determination of who are qualified beneficiaries: *Provided*, That an owner-tiller may be a beneficiary of the land he does not own but is actually cultivating to the extent of the difference between the area of the land he owns and the award ceiling of three hectares.

SEC. 8. Multinational Corporations. – All lands of the public domain leased, held or possessed by multinational corporations or associations, and other lands owned by the government or by government-owned or controlled corporations, associations, institutions or entities, devoted to existing and operational agri-business or agro-industrial enterprises, operated by multinational corporations and associations, shall be programmed for acquisition and distribution immediately upon the effectivity of this Act, with the implementation to be completed within three years.

Lands covered by the paragraph immediately preceding, under lease, management, grower or service contracts, and the like, shall be disposed of as follows:

- a) Lease, management, grower or service contracts covering such lands covering an aggregate area in excess of 1,000 hectares, leased or held by foreign individuals in excess of 500 hectares are deemed amended to conform with the limits set forth in Section 3 of Article XII of the Constitution;
- b) Contracts covering areas not in excess of 1,000 hectares in the case of such corporations and associations, and 500 hectares, in the case of such individuals, shall be allowed to continue under their original terms and conditions but not beyond August 29, 1992, or their valid termination, whichever comes sooner, after which, such agreements shall continue only when confirmed by the appropriate government agency. Such contracts shall likewise continue even after the land has been transferred to beneficiaries or awardees thereof, which transfer shall be immediately commenced and implemented and completed within the period of three years mentioned in paragraph 1 hereof;
- c) In no case will such leases and other agreements now being implemented extend beyond August 29, 1992, when all lands subject hereof shall have been distributed completely to qualified beneficiaries or awardees.

Such agreements can continue thereafter only under a new contract between the government or qualified beneficiaries or awardees, on the one hand, and said enterprises, on the other.

Lands leased, held or possessed by multinational corporations, owned by private individuals and private non-governmental corporations, associations, institutions, and entities, citizens of the Philippines, shall be subject to immediate compulsory acquisition and distribution upon the expiration of the applicable lease, management grower or service contract in effect as of August 29, 1987, or otherwise, upon its valid termination, whichever comes sooner, but not later than after 10 years following the effectivity of this Act. However, during the said period of effectivity, the government shall take steps to acquire these lands for immediate distribution thereafter.

In general, lands shall be distributed directly to the individual worker-beneficiaries. In case it is not economically feasible and sound to divide the land, then they shall form a workers' cooperative or association which will deal with the corporation or business association or any other proper party for the purpose of entering into a lease or growers agreement and for all other legitimate purposes. Until a new agreement is entered into by and between the workers' cooperative or association and the corporation or business association or any other proper party, any agreement existing at the time this Act takes effect between the former and the previous landowner shall be respected by both the workers' cooperative or association and the corporation, business association or such other proper party. In no case shall the implementation or application of this Act justify or result in the reduction of status or diminution of any benefits received or enjoyed by the worker-beneficiaries, or in which they may have a vested right, at the time this Act becomes effective.

The provisions of Section 32 of this Act, with regard to production- and income-sharing shall apply to farms operated by multinational corporations.

During the transition period, the new owners shall be assisted in their efforts to learn modern technology in production. Enterprises which show willingness and commitment and good-faith efforts to impart voluntarily such advanced technology will be given preferential treatment where feasible.

In no case shall a foreign corporation, association, entity or individual enjoy any right or privileges better than those enjoyed by a domestic corporation, association, entity or individual.

Sec. 9. Ancestral Lands. – For purposes of this Act, ancestral lands of each indigenous cultural community shall include, but not be limited to, lands in the actual, continuous and open possession and occupation of the community and its members: *Provided*, That the Torrens System shall be respected.

The right of these communities to their ancestral lands shall be protected to ensure their economic, social and cultural well-being. In line with the other principles of self-determination and autonomy, the systems of land ownership, land use, and the modes of settling land disputes of all these communities must be recognized and respected.

Any provision of law to the contrary notwithstanding, the PARC may suspend the implementation of this Act with respect to ancestral lands for the purpose of identifying and delineating such lands: *Provided*, That in the autonomous regions, the respective legislatures may enact their own laws on ancestral domain subject to the provisions of the Constitution and the principles enunciated in this Act and other national laws.

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SEC. 10. Exemptions and Exclusions. – Lands actually, directly and exclusively used and found to be necessary for parks, wildlife, forest reserves, reforestation, fish sanctuaries and breeding grounds, watersheds and mangroves, national defense, school sites and campuses including experimental farm stations operated by public or private schools for educational purposes, seeds and seedlings research and pilot production centers, church sites and seedlings research and pilot production centers, church sites and convents appurtenant thereto, mosque sites and Islamic centers appurtenant thereto, communal burial grounds and cemeteries, penal colonies and penal farms actually worked by the inmates, government and private research and quarantine centers and all lands with 18 percent slope and over, except those already developed shall be exempt from the coverage of this Act.

SEC. 11. Commercial Farming. – Commercial farms, which are private agricultural lands devoted to commercial livestock, poultry and swine raising, and aquaculture including saltbeds, fishponds and prawn ponds, fruit farms, orchards, vegetable and cut-flower farms, and cacao, coffee and rubber plantations, shall be subject to immediate compulsory acquisition and distribution after 10 years from the effectivity of this Act. In the case of new farms, the 10-year period shall begin from the first year of commercial production and operation, as determined by the DAR. During the 10-year period, the Government shall initiate steps necessary to acquire these lands, upon payment of just compensation for the land and the improvements thereon, preferably in favor of organized cooperatives or associations, which shall thereafter manage the said lands for the worker-beneficiaries.

If the DAR determines that the purposes for which this deferment is granted no longer exist, such areas shall automatically be subject to redistribution.

The provisions of Section 32 of this Act, with regard to production-and-income-sharing, shall apply to commercial farms.

CHAPTER III

IMPROVEMENT OF TENURIAL AND LABOR RELATIONS

SECTION 12. Determination of Lease Rentals. – In order to protect and improve the tenurial and economic status of the farmers in tenanted lands under the retention limit and lands not yet acquired under this Act, the DAR is mandated to determine and fix immediately the lease rentals thereof in accordance with Section 34 of R.A. No. 3844 as amended; *Provided*, That the DAR shall immediately and periodically review and adjust the rental structure for different crops, including rice and corn, of different regions in order to improve progressively the conditions of the farmer, tenant or lessee.

SEC. 13. Production Sharing Plan. – Any enterprise adopting the scheme provided for in Section 32 or operating under a production venture, lease, management contract or other similar arrangement and any farm covered by Sections 8 and 11 hereof is hereby mandated to execute within 90 days from the effectivity of this Act a production-sharing plan, under guidelines prescribed by the appropriate government agency.

Nothing herein shall be construed to sanction the diminution of any benefits such as salaries, bonuses, leaves and working conditions granted to the employee-beneficiaries under existing laws, agreements, and voluntary practice by the enterprise, nor shall the enterprise and its employee-beneficiaries be prevented from entering into any agreement with terms more favorable to the latter.

CHAPTER IV
REGISTRATION

SECTION 14. *Registration of Landowners.* – Within 180 days from the effectivity of this Act, all persons, natural or juridical, including government entities, that own or claim to own agricultural lands, whether in their names or in the name of others, except those who have already registered pursuant to Executive Order No. 229, who shall be entitled to such incentives as may be provided for by the PARC, shall file a sworn statement in the proper Assessor’s Office in the form to be prescribed by the DAR, stating the following information:

- a. the description and area of the property;
- b. the average gross income from the property for at least three years;
- c. the names of all tenants and farmworkers therein;
- d. the crops planted in the property and the area covered by each crop as of June 1, 1987;
- e. the terms of mortgages, leases, and management contracts subsisting as of June 1, 1987; and
- f. the latest declared market value of the land as determined by the city or provincial assessor.

Sec. 15. *Registration of Beneficiaries.* – The DAR in coordination with the Barangay Agrarian Reform Committee (BARC) as organized in this Act, shall register all agricultural lessees, tenants and farmworkers who are qualified to be beneficiaries of the CARP. These potential beneficiaries with the assistance of the BARC and the DAR shall provide the following data:

- a. names and members of their immediate farm household;
- b. owners or administrators of the lands they work on and the length of tenurial relationship;
- c. location and area of the land they work;
- d. crops planted; and
- e. their share in the harvest or amount of rental paid or wages received.

A copy of the registry or list of all potential CARP beneficiaries in the *barangay* shall be posted in the barangay hall, school or other public buildings in the *barangay* where it shall be open to inspection by the public at all reasonable hours.

CHAPTER V
LAND ACQUISITION

SECTION 16. *Procedure for Acquisition of Private Lands.* – For purposes of acquisition of private lands, the following procedures shall be followed:

- a. After having identified the land, the landowners and the beneficiaries, the DAR shall send its notice to acquire the land to the owners thereof, by personal delivery or registered mail, and post the same in a conspicuous place in the municipal building and barangay hall of the place where the property is located. Said notice shall contain the offer of the DAR to pay a corresponding value in accordance with the valuation set forth in Sections 17, 18, and other pertinent provisions hereof.
- b. Within 30 days from the date of receipt of written notice by personal delivery or registered mail, the landowner, his administrator or representative shall inform the DAR of his acceptance or

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rejection of the offer.

- c. If the landowner accepts the offer of the DAR, the Land Bank of the Philippines (LBP) shall pay the landowner the purchase price of the land within 30 days after he executes and delivers a deed of transfer in favor of the Government and surrenders the Certificate of Title and other muniments of title.
- d. In case of rejection or failure to reply, the DAR shall conduct summary administrative proceedings to determine the compensation for the land by requiring the landowner, the LBP and other interested parties to submit evidence as to the just compensation for the land within 15 days from the receipt of the notice. After the expiration of the above period, the matter is deemed submitted for decision. The DAR shall decide the case within 30 days after it is submitted for decision.
- e. Upon receipt by the landowner of the corresponding payment or, in case of rejection or no response from the landowner, upon the deposit with an accessible bank designated by the DAR of the compensation in cash or in LBP bonds in accordance with this Act, the DAR shall take immediate possession of the land and shall request the proper Register of Deeds to issue a Transfer Certificate of Title (TCT) in the name of the Republic of the Philippines. The DAR shall thereafter proceed with the redistribution of the land to the qualified beneficiaries.
- f. Any party who disagrees with the decision may bring the matter to the court of proper jurisdiction for final determination of just compensation.

CHAPTER VI

COMPENSATION

SEC. 17. Determination of Just Compensation. – In determining just compensation, the cost of acquisition of the land, the current value of like properties, its nature, actual use and income, the sworn valuation by the owner, the tax declarations, and the assessment made by government assessors shall be considered. The social and economic benefits contributed by the farmers and the farmworkers and by the Government to the property as well as the non-payment of taxes or loans secured from any government financing institution on the said land shall be considered as additional factors to determine its valuation.

SEC. 18. Valuation and Mode of Compensation. – The LBP shall compensate the landowner in such amount as may be agreed upon by the landowner and the DAR and the LBP, in accordance with the criteria provided for in Sections 16 and 17, and other pertinent provisions hereof, or as may be finally determined by the court as the just compensation for the land.

The compensation shall be paid in one of the following modes, at the option of the landowner:

1. Cash payment, under the following terms and conditions:
 - (a) For lands above 50 hectares, insofar as the excess hectareage is concerned – Twenty-five percent cash, to be paid in government financial instruments negotiable at any time.
 - (b) For lands above 24 hectares and up to 50 hectares – Thirty percent cash, the balance to be paid in government financial instruments negotiable at any time.

- (c) For lands 24 hectares and below – Thirty-five percent cash, the balance to be paid in government financial instruments negotiable at any time.
2. Shares of stock in government-owned or controlled corporations, LBP preferred shares, physical assets or other qualified investments in accordance with guidelines set by the PARC;
 3. Tax credits which can be used against any tax liability;
 4. LBP bonds, which shall have the following features:
 - a. Market interest rates aligned with 91-day treasury bill rates. Ten percent of the face value of the bonds shall mature every year from the date of issuance until the 10th year: *Provided*, That should the landowner choose to forego the cash portion, whether in full or in part, he shall be paid correspondingly in LBP bonds;
 - b. Transferability and negotiability. Such LBP bonds may be used by the landowner, his successors in interest or his assigns, up to the amount of their face value, for any of the following:
 - i. Acquisition of land or other real properties of the government, including assets under the Asset Privatization Program and other assets foreclosed by government financial institutions in the same province or region where the lands for which the bonds were paid are situated;
 - ii. Acquisition of shares of stock of government-owned or -controlled corporations or shares of stock owned by the government in private corporations;
 - iii. Substitution for surety or bail bonds for the provisional release of accused persons, or for performance bonds;
 - iv. Security for loans with any government financial institution, provided the proceeds of the loans shall be invested in an economic enterprise, preferably in a small and medium-scale industry, in the same province or region as the land for which the bonds are paid;
 - v. Payment for various taxes and fees to government: *Provided*, That the use of these bonds for these purposes will be limited to a certain percentage of the outstanding balance of the financial instruments: *Provided, further*, That the PARC shall determine the percentage mentioned above;
 - vi. Payment for tuition fees of the immediate family of the original bondholder in government universities, colleges, trade schools, and other institutions;
 - vii. Payment for fees of the immediate family of the original bondholder in government hospitals; and
 - viii. Such other uses as the PARC may, from time to time, allow.

In case of extraordinary inflation, the PARC shall take appropriate measures to protect the economy.

SEC. 19. Incentives for Voluntary Offers for Sale. – Landowners, other than banks and other financial institutions, who voluntarily offer their lands for sale shall be entitled to an additional 5 percent cash payment.

SEC. 20. Voluntary Land Transfer. – Landowners of agricultural lands subject to acquisition under this Act may enter into a voluntary arrangement for direct transfer of their lands to qualified beneficiaries subject to the following guidelines:

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- a. All notices for voluntary land transfer must be submitted to the DAR within the first year of the implementation of the CARP. Negotiations between the landowners and qualified beneficiaries covering any voluntary land transfer which remain unresolved after one year shall not be recognized and such land shall instead be acquired by the government and transferred pursuant to this Act.
- b. The terms and conditions of such transfer shall not be less favorable to the transferee than those of the government's standing offer to purchase from the landowner and to resell to the beneficiaries, if such offers have been made and are fully known to both parties.
- c. The voluntary agreement shall include sanctions for non-compliance by either party and shall be duly recorded and its implementation monitored by the DAR.

SEC. 21. *Payment of Compensation by Beneficiaries under Voluntary Land Transfer.* – Direct payment in cash or in kind may be made by the farmer-beneficiary to the landowner under terms to be mutually agreed upon by both parties, which shall be binding upon them, upon registration with and approval by the DAR. Said approval shall be considered given, unless notice of disapproval is received by the farmer-beneficiary within 30 days from the date of registration.

In the event they cannot agree on the price of land, the procedure for compulsory acquisition as provided in Section 16 shall apply. The LBP shall extend financing to the beneficiaries for purposes of acquiring the land.

CHAPTER VII

LAND REDISTRIBUTION

SECTION 22. *Qualified Beneficiaries.* – The lands covered by the CARP shall be distributed as much as possible to landless residents of the same *barangay*, or in the absence thereof, landless residents of the same municipality in the following order of priority:

- a. agricultural lessees and share tenants;
- b. regular farmworkers;
- c. seasonal farmworkers;
- d. other farmworkers;
- e. actual tillers or occupants of public lands;
- f. collectives or cooperatives of the above beneficiaries; and
- g. others directly working on the land.

Provided, however, That the children of landowners who are qualified under Section 6 of this Act shall be given preference in the distribution of the land of their parents; and *Provided, further,* That actual tenant-tillers in the landholding shall not be ejected or removed therefrom.

Beneficiaries under Presidential Decree No. 27 who have culpably sold, disposed of, or abandoned their land are disqualified to become beneficiaries under this Program.

A basic qualification of a beneficiary shall be his willingness, aptitude, and ability to cultivate and make the land as productive as possible. The DAR shall adopt a system of monitoring the record or performance of each beneficiary, so that any beneficiary guilty of negligence or misuse of the land or any support extended to him shall forfeit his right to continue as such beneficiary. The The DAR shall

submit periodic reports on the performance of the beneficiaries to the PARC.

If, due to the landowner's retention rights or to the number of tenants, lessees, or workers on the land, there is not enough land to accommodate any or some of them, they may be granted ownership of other lands available for distribution under this Act, at the option of the beneficiaries.

Farmers already in place and those not accommodated in the distribution of privately-owned lands will be given preferential rights in the distribution of lands from the public domain.

SEC. 23. Distribution Limit. – No qualified beneficiary may own more than three hectares of agricultural land.

SEC. 24. Award to Beneficiaries. – The rights and responsibilities of the beneficiary shall commence from the time the DAR makes an award of the land to him, which award shall be completed within 180 days from the time the DAR takes actual possession of the land. Ownership of the beneficiary shall be evidenced by a Certificate of Land Ownership Award, which shall contain the restrictions and conditions provided for in this Act, and shall be recorded in the Register of Deeds concerned and annotated on the Certificate of Title.

SEC. 25. Award Ceilings for Beneficiaries. – Beneficiaries shall be awarded an area not exceeding three hectares, which may cover a contiguous tract of land or several parcels of land cumulated up to the prescribed award limits.

For purposes of this Act, a landless beneficiary is one who owns less than three hectares of agricultural land.

The beneficiaries may opt for collective ownership, such as co-ownership or farmers cooperative or some other form of collective organization: *Provided*, That the total area that may be awarded shall not exceed the total number of co-owners or members of the cooperative or collective organization multiplied by the award limit above prescribed, except in meritorious cases as determined by the PARC. Title to the property shall be issued in the name of the co-owners or the cooperative or collective organization as the case may be.

SEC. 26. Payment by Beneficiaries. – Lands awarded pursuant to this Act shall be paid for by the beneficiaries to the LBP in 30 annual amortizations at 6 percent interest *per annum*. The payments for the first three years after the award may be at reduced amounts as established by the PARC: *Provided*, That the first five annual payments may not be more than 5 percent of the value of the annual gross production as established by the DAR. Should the scheduled annual payments after the fifth year exceed 10 percent of the annual gross production and the failure to produce accordingly is not due to the beneficiary's fault, the LBP may reduce the interest rate or reduce the principal obligation to make the repayment affordable.

The LBP shall have a lien by way of mortgage on the land awarded to the beneficiary; and this mortgage may be foreclosed by the LBP for non-payment of an aggregate of three annual amortizations. The LBP shall advise the DAR of such proceedings and the latter shall subsequently award the forfeited landholding to other qualified beneficiaries. A beneficiary whose land, as provided herein, has been foreclosed shall thereafter be permanently disqualified from becoming a beneficiary under this Act.

SEC. 27. Transferability of Awarded Lands. – Lands acquired by beneficiaries under this Act may not be sold, transferred or conveyed except through hereditary succession, or to the government, or to the LBP, or to other qualified beneficiaries for a period of 10 years: *Provided, however*, That the children or the spouse of the transferor shall have a right to repurchase the land from the government or LBP

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within a period of two years. Due notice of the availability of the land shall be given by the LBP to the Barangay Agrarian Reform Committee (BARC) of the *barangay* where the land is situated. The Provincial Agrarian Reform Coordinating Committee (PARCCOM), as herein provided, shall, in turn, be given due notice thereof by the BARC.

If the land has not yet been fully paid by the beneficiary, the rights to the land may be transferred or conveyed, with prior approval of the DAR, to any heir of the beneficiary or to any other beneficiary who, as a condition for such transfer or conveyance, shall cultivate the land himself. Failing compliance herewith, the land shall be transferred to the LBP which shall give due notice of the availability of the land in the manner specified in the immediately preceding paragraph.

In the event of such transfer to the LBP, the latter shall compensate the beneficiary in one lump sum for the amounts the latter has already paid, together with the value of improvements he has made on the land.

SEC. 28. *Standing Crops at the Time of Acquisition.* – The landowner shall retain his share of any standing crops unharvested at the time the DAR shall take possession of the land under Section 16 of this Act, and shall be given a reasonable time to harvest the same.

CHAPTER VIII

CORPORATE FARMS

SECTION 29. *Farms Owned or Operated by Corporations or Other Business Associations.* – In the case of farms owned or operated by corporations or other business associations, the following rules shall be observed by the PARC:

In general, lands shall be distributed directly to the individual worker-beneficiaries.

In case it is not economically feasible and sound to divide the land, then it shall be owned collectively by the worker-beneficiaries who shall form a workers' cooperative or association which will deal with the corporation or business association. Until a new agreement is entered into by and between the workers' cooperative or association and the corporation or business association, any agreement existing at the time this Act takes effect between the former and the previous landowner shall be respected by both the workers' cooperative or association and the corporation or business association.

SEC. 30. *Homelots and Farmlots for Members of Cooperatives.* – The individual members of the cooperatives or corporations mentioned in the preceding section shall be provided with homelots and small farmlots for their family use, to be taken from the land owned by the cooperative or corporation.

SEC. 31. *Corporate Landowners.* – Corporate landowners may voluntarily transfer ownership over their agricultural landholdings to the Republic of the Philippines pursuant to Section 20 hereof or to qualified beneficiaries, under such terms and conditions, consistent with this Act, as they may agree upon, subject to confirmation by the DAR.

Upon certification by the DAR, corporations owning agricultural lands may give their qualified beneficiaries the right to purchase such proportion of the capital stock of the corporation that the agricultural land, actually devoted to agricultural activities, bears in relation to the company's total assets, under such terms and conditions as may be agreed upon by them. In no case shall the compensation received by the workers at the time the shares of stocks are distributed be reduced. The same principle shall be applied to associations, with respect to their equity or participation.

Corporations or associations which voluntarily divest a proportion of their capital stock, equity or participation in favor of their workers or other qualified beneficiaries under this section shall be deemed to have complied with the provisions of this Act: *Provided*, That the following conditions are complied with:

- a. In order to safeguard the right of beneficiaries who own shares of stocks to dividends and other financial benefits, the books of the corporation or association shall be subject to periodic audit by certified public accountants chosen by the beneficiaries;
- b. Irrespective of the value of their equity in the corporation or association, the beneficiaries shall be assured of at least one representative in the board of directors, or in a management or executive committee, if one exists, of the corporation or association;
- c. Any shares acquired by such workers and beneficiaries shall have the same rights and features as all other shares; and
- d. Any transfer of shares of stock by the original beneficiaries shall be void *ab initio* unless said transaction is in favor of a qualified and registered beneficiary within the same corporation.

If within two years from the approval of this Act, the land or stock transfer envisioned above is not made or realized or the plan for such stock distribution approved by the PARC within the same period, the agricultural land of the corporate owners or corporation shall be subject to the compulsory coverage of this Act.

SEC. 32. *Production-Sharing.* – Pending final land transfer, individuals or entities owning, or operating under lease or management contract, agricultural lands are hereby mandated to execute a production-sharing plan with their farmworkers or farmworkers’ organization, if any, whereby 3 percent of the gross sales from the production of such lands are distributed within 60 days of the end of the fiscal year as compensation to regular and other farmworkers in such lands over and above the compensation they currently receive: *Provided*, That these individuals or entities realize gross sales in excess of five million pesos (P5 million) per annum unless the DAR, upon proper application, determines a lower ceiling.

In the event that the individual or entity realizes a profit, an additional 10 percent of the net profit after tax shall be distributed to said regular and other farmworkers within 90 days of the end of the fiscal year.

To forestall any disruption in the normal operation of lands to be turned over to the farmworker-beneficiaries mentioned above, a transitory period, the length of which shall be determined by the DAR, shall be established.

During this transitory period, at least 1 percent of the gross sales of the entity shall be distributed to the managerial, supervisory and technical group in place at the time of the effectivity of this Act, as compensation for such transitory managerial and technical functions it will perform, pursuant to an agreement that the farmworker-beneficiaries and the managerial, supervisory and technical group may conclude, subject to the approval of the DAR.

SEC. 33. *Payment of Shares of Cooperative or Association.* – Shares of a cooperative or association acquired by farmer-beneficiaries or worker-beneficiaries shall be fully paid for in an amount corresponding to the valuation as determined in the immediately succeeding section. The landowner and the LBP shall assist the farmer-beneficiaries and worker-beneficiaries in the payment for said shares by providing credit financing.

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SEC. 34. Valuation of Lands. – A valuation scheme for the land shall be formulated by the PARC, taking into account the factors enumerated in Section 17, in addition to the need to stimulate the growth of cooperatives and the objective of fostering responsible participation of the worker-beneficiaries in the creation of wealth.

In the determination of a price that is just not only to the individual but to society as well, the PARC shall consult closely with the landowner and the worker-beneficiaries.

In case of disagreement, the price as determined by the PARC, if accepted by the worker-beneficiaries, shall be followed, without prejudice to the landowner's right to petition the Special Agrarian Court to resolve the issue of valuation.

CHAPTER IX

SUPPORT SERVICES

SECTION 35. Creation of Support Services Office. – There is hereby created the Office of Support Services under the DAR to be headed by an Undersecretary.

The Office shall provide general support and coordinative services in the implementation of the program, particularly in carrying out the provisions of the following services to farmer-beneficiaries and affected landowners:

1. Irrigation facilities, especially second crop or dry season irrigation facilities;
2. Infrastructure development and public works projects in areas and settlements that come under agrarian reform, and for this purpose, the preparation of the physical development plan of such settlements providing suitable *barangay* sites, potable water and power resources, irrigation systems and other facilities for a sound agricultural development plan;
3. Government subsidies for the use of irrigation facilities;
4. Price support and guarantee for all agricultural produce;
5. Extending to small landowners, farmers and farmers' organizations the necessary credit, like concessional and collateral-free loans, for agro-industrialization based on social collaterals like the guarantees of farmers' organizations;
6. Promoting, developing and extending financial assistance to small and medium-scale industries in agrarian reform areas;
7. Assigning sufficient numbers of agricultural extension workers to farmers' organization;
8. Undertake research, development and dissemination of information on agrarian reform and low-cost and ecologically-sound farm inputs and technologies to minimize reliance on expensive and imported agricultural inputs;
9. Development of cooperative management skills through intensive training;
10. Assistance in the identification of ready markets for agricultural produce and training in other various aspects of marketing; and
11. Administration, operation, management and funding of support services programs and projects including pilot projects and models related to agrarian reform as developed by the DAR.

SEC. 36. Funding for Support Services. – In order to cover the expenses and cost of support services, at least 25 percent of all appropriations for agrarian reform shall be immediately set aside and made available for this purpose. In addition, the DAR shall be authorized to package proposals and receive grants, aid and other forms of financial assistance from any source.

SEC. 37. Support Services to the Beneficiaries. – The PARC shall ensure that support services to farmer-beneficiaries are provided, such as:

- a. Land surveys and titling;
- b. Liberalized terms on credit facilities and production loans;
- c. Extension services by way of planting, cropping, production and post-harvest technology transfer, as well as marketing and management assistance and support to cooperatives and farmers' organizations;
- d. Infrastructure such as access trails, mini-dams, public utilities, marketing and storage facilities; and
- e. Research, production and use of organic fertilizers and other local substances necessary in farming and cultivation.

The PARC shall formulate policies to ensure that support services to farmer-beneficiaries shall be provided at all stages of land reform.

The *Bagong Kilusang Kabuhayan sa Kaunlaran* (BKKK) Secretariat shall be transferred and attached to the LBP, for its supervision including all its applicable and existing funds, personnel, properties, equipment and records.

Misuse or diversion of the financial and support services herein provided shall result in sanctions against the beneficiary guilty thereof, including the forfeiture of the land transferred to him or lesser sanctions as may be provided by the PARC, without prejudice to criminal prosecution.

SEC. 38. Support Services to Landowners. – The PARC with the assistance of such other government agencies and instrumentalities as it may direct, shall provide landowners affected by the CARP and prior agrarian reform programs with the following services:

- a. Investment information, financial and counselling assistance;
- b. Facilities, programs and schemes for the conversion or exchange of bonds issued for payment of the lands acquired with stocks and bonds issued by the National Government, the Central Bank and other government institutions and instrumentalities;
- c. Marketing of LBP bonds, as well as promoting the marketability of said bonds in traditional and non- traditional financial markets and stock exchanges; and
- d. Other services designed to utilize productively the proceeds of the sale of such lands for rural industrialization.

A landowner who invests in rural-based industries shall be entitled to the incentives granted to a registered enterprise engaged in a pioneer or preferred area of investment as provided for in the Omnibus Investment Code of 1987, or to such other incentives as the PARC, the LBP, or other government financial institutions may provide.

The LBP shall redeem a landowner's LBP bonds at face value, provided that the proceeds thereof shall be invested in a BOI-registered company or in any agri-business or agro-industrial enterprise in

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the region where the landowner has previously made investments, to the extent of 30 percent of the face value of said LBP bonds, subject to guidelines that shall be issued by the LBP.

SEC. 39. Land Consolidation. – The DAR shall carry out land consolidation projects to promote equal distribution of landholdings, to provide the needed infrastructures in agriculture, and to conserve soil fertility and prevent erosion.

CHAPTER X

SPECIAL AREAS OF CONCERN

SECTION 40. Special Areas of Concern. – As an integral part of the Comprehensive Agrarian Reform Program, the following principles in these special areas of concern shall be observed:

1. *Subsistence Fishing.* – Small fisherfolk, including seaweed farmers, shall be assured of greater access to the utilization of water resources.
2. *Logging and Mining Concessions.* – Subject to the requirement of a balanced ecology and conservation of water resources, suitable areas, as determined by the Department of Environment and Natural Resources (DENR), in logging, mining and pasture areas, shall be opened up for agrarian settlements whose beneficiaries shall be required to undertake reforestation and conservation production methods. Subject to existing laws, rules and regulations, settlers and members of tribal communities shall be allowed to enjoy and exploit the products of the forest other than timber within the logging concessions.
3. *Sparsely Occupied Public Agricultural Lands.* – Sparsely occupied agricultural lands of the public domain shall be surveyed, proclaimed and developed as farm settlements for qualified landless people based on an organized program to ensure their orderly and early development. Agricultural land allocations shall be made for ideal family-size farms as determined by the PARC. Pioneers and other settlers shall be treated equally in every respect.

Subject to the prior rights of qualified beneficiaries, uncultivated lands of the public domain shall be made available on a lease basis to interested and qualified parties. Parties who will engage in the development of capital-intensive, traditional or pioneering crops shall be given priority.

The lease period, which shall not be more than a total of 50 years, shall be proportionate to the amount of investment and production goals of the lessee. A system of evaluation and audit shall be instituted.

4. *Idle, Abandoned, Foreclosed and Sequestered Lands.* – Idle, abandoned, foreclosed and sequestered lands shall be planned for distribution as homelots and family-size farmlots to actual occupants. If land area permits, other landless families shall be accommodated in these lands.
5. *Rural Women.* – All qualified women members of the agricultural labor force must be guaranteed and assured equal rights to ownership of the land, equal shares of the farm's produce, and representation in advisory or appropriate decision-making bodies.
6. *Veterans and Retirees.* – In accordance with Section 7 of Article XVI of the Constitution, landless war veterans and veterans of military campaigns, their surviving spouses and orphans, retirees of the Armed Forces of the Philippines (AFP) and the Integrated National Police (INP), returnees, surrenderees, and similar beneficiaries shall be given due consideration in the disposition of agricultural lands of the public domain.

7. *Agriculture Graduates* – Graduates of agricultural schools who are landless shall be assisted by the government, through the DAR, in their desire to own and till agricultural lands.

CHAPTER XI

PROGRAM IMPLEMENTATION

SECTION 41. *The Presidential Agrarian Reform Council.* – The Presidential Agrarian Reform Council (PARC) shall be composed of the President of the Philippines as Chair, the Secretary of Agrarian Reform as Vice Chair and the following as members: Secretaries of the Department of Agriculture; Environment and Natural Resources; Budget and Management; Local Government; Public Works and Highways; Trade and Industry; Finance; Labor and Employment; Director-General of the National Economic and Development Authority; President of the Land Bank of the Philippines; Administrator of the National Irrigation Administration; and three representatives of affected landowners to represent Luzon, Visayas and Mindanao; six representatives of agrarian reform beneficiaries, two each from Luzon, Visayas and Mindanao, provided that one of them shall be from the cultural communities.

SEC. 42. *Executive Committee.* – There shall be an Executive Committee (EXCOM) of the PARC composed of the Secretary of the DAR as Chair, and such other members as the President may designate, taking into account Article XIII, Section 5 of the Constitution. Unless otherwise directed by the PARC, the EXCOM may meet and decide on any and all matters in between meetings of the PARC: *Provided, however,* That its decisions must be reported to the PARC immediately and not later than the next meeting.

SEC. 43. *Secretariat.* – A PARC Secretariat is hereby established to provide general support and coordinative services such as inter-agency linkages, program and project appraisal, and evaluation and general operations monitoring for the PARC.

The Secretariat shall be headed by the Secretary of Agrarian Reform who shall be assisted by an Undersecretary and supported by a staff whose composition shall be determined by the PARC Executive Committee and whose compensation shall be chargeable against the Agrarian Reform Fund. All officers and employees of the Secretariat shall be appointed by the Secretary of Agrarian Reform.

SEC. 44. *Provincial Agrarian Reform Coordinating Committee (PARCCOM).* – A Provincial Agrarian Reform Coordinating Committee (PARCCOM) is hereby created in each province, composed of a Chair, who shall be appointed by the President upon the recommendation of the EXCOM, the Provincial Agrarian Reform Officer as Executive Officer, and one representative each from the Departments of Agriculture, and of Environment and Natural Resources and from the LBP; one representative each from existing farmers' organizations, agricultural cooperatives and non-governmental organizations in the province; two representatives from landowners, at least one of whom shall be a producer representing the principal crop of the province; and two representatives from farmer and farmworker- beneficiaries, at least one of whom shall be a farmer or farmworker representing the principal crop of the province, as members: *Provided,* That in areas where there are cultural communities, the latter shall likewise have one representative.

The PARCCOM shall coordinate and monitor the implementation of the CARP in the province. It shall provide information on the provisions of the CARP, on the guidelines issued by the PARC, and on the progress of the CARP in the province.

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SEC. 45. *Province-by-Province Implementation.* – The PARC shall provide the guidelines for a province-by-province implementation of the CARP. The 10-year program of distribution of public and private lands in each province shall be adjusted from year to year by the province’s PARCCOM in accordance with the level of operations previously established by the PARC, in every case ensuring that support services are available or have been programmed before actual distribution is effected.

SEC. 46. *Barangay Agrarian Reform Committee (BARC).* – Unless otherwise provided in this Act, the provisions of Executive Order No. 229 regarding the organization of the Barangay Agrarian Reform Committee (BARC) shall be in effect.

SEC. 47. *Functions of the BARC.* – In addition to those provided in Executive Order No. 229, the BARC shall have the following functions:

- a. Mediate and conciliate between parties involved in an agrarian dispute including matters related to tenurial and financial arrangements;
- b. Assist in the identification of qualified beneficiaries and landowners within the *barangay*;
- c. Attest to the accuracy of the initial parcellary mapping of the beneficiary’s tillage;
- d. Assist qualified beneficiaries in obtaining credit from lending institutions;
- e. Assist in the initial determination of the value of the land;
- f. Assist the DAR representative in the preparation of periodic reports on the CARP implementation for submission to the DAR;
- g. Coordinate the delivery of support services to beneficiaries; and
- h. Perform such other functions as may be assigned by the DAR.

(2) The BARC shall endeavor to mediate, conciliate and settle agrarian disputes lodged before it within 30 days from its taking cognizance thereof. If after the lapse of the 30-day period, it is unable to settle the dispute, it shall issue a certification of its proceedings and shall furnish a copy thereof upon the parties within seven days after the expiration of the 30-day period.

SEC. 48. *Legal Assistance.* – The BARC or any member thereof may whenever necessary in the exercise of any of its functions hereunder, seek the legal assistance of the DAR and the provincial, city, or municipal government.

SEC. 49. *Rules and Regulations.* – The PARC and the DAR shall have the power to issue rules and regulations, whether substantive or procedural, to carry out the objects and purposes of this Act. Said rules shall take effect 10 days after publication in two national newspapers of general circulation.

CHAPTER XII

ADMINISTRATIVE ADJUDICATION

SECTION 50. *Quasi-Judicial Powers of the DAR.* – The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform, except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

It shall not be bound by technical rules of procedures and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination of every action or proceeding before it.

It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue *subpoena*, and *subpoena duces tecum* and to enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court.

Responsible farmer leaders shall be allowed to represent themselves, their fellow farmers, or their organizations in any proceedings before the DAR: *Provided, however,* That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any DAR proceedings.

Notwithstanding an appeal to the Court of Appeals, the decision of the DAR shall be immediately executory.

SEC. 51. Finality of Determination. – Any case or controversy before it shall be decided within 30 days after it is submitted for resolution. Only one motion for reconsideration shall be allowed. Any order, ruling or decision shall be final after the lapse of 15 days from receipt of a copy thereof.

SEC. 52. Frivolous Appeals. – To discourage frivolous or dilatory appeals from the decisions or orders on the local or provincial levels, the DAR may impose reasonable penalties, including but not limited to fines or censures upon erring parties.

SEC. 53. Certification of the BARC. – The DAR shall not take cognizance of any agrarian dispute or controversy unless a certification from the BARC that the dispute has been submitted to it for mediation and conciliation without any success of settlement is presented: *Provided, however,* That if no certification is issued by the BARC within 30 days after a matter or issue is submitted to it for mediation or conciliation, the case or dispute may be brought before the PARC.

CHAPTER XIII

JUDICIAL REVIEW

SECTION 54. Certiorari. – Any decision, order, award or ruling of the DAR on any agrarian dispute or on any matter pertaining to the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform may be brought to the Court of Appeals by *certiorari* except as otherwise provided in this Act within 15 days from receipt of a copy thereof.

The findings of fact of the DAR shall be final and conclusive if based on substantial evidence.

SEC. 55. No Restraining Order or Preliminary Injunction. – No court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the PARC or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform.

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SEC. 56. *Special Agrarian Court.* – The Supreme Court shall designate at least one branch of the Regional Trial Court (RTC) within each province to act as a Special Agrarian Court.

The Supreme Court may designate more branches to constitute such additional Special Agrarian Courts as may be necessary to cope with the number of agrarian cases in each province. In the designation, the Supreme Court shall give preference to the RTCs which have been assigned to handle agrarian cases or whose presiding judges were former judges of the defunct Court of Agrarian Relations.

The RTC judges assigned to said courts shall exercise said special jurisdiction in addition to the regular jurisdiction of their respective courts.

The Special Agrarian Courts shall have the powers and prerogatives inherent in or belonging to the RTCs.

SEC. 57. *Special Jurisdiction.* – The Special Agrarian Courts shall have original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners, and the prosecution of all criminal offenses under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act.

The Special Agrarian Courts shall decide all appropriate cases under their special jurisdiction within 30 days from submission of the case for decision.

SEC. 58. *Appointment of Commissioners.* – The Special Agrarian Courts, upon their own initiative or at the instance of any of the parties, may appoint one or more commissioners to examine, investigate and ascertain facts relevant to the dispute, including the valuation of properties, and to file a written report thereof with the court.

SEC. 59. *Orders of the Special Agrarian Courts.* – No order of the Special Agrarian Courts on any issue, question, matter or incident raised before them shall be elevated to the appellate courts until the hearing shall have been terminated and the case decided on the merits.

SEC. 60. *Appeals.* – An appeal may be taken from the decision of the Special Agrarian Courts by filing a petition for review with the Court of Appeals within 15 days from receipt of notice of the decision; otherwise, the decision shall become final.

An appeal from the decision of the Court of Appeals, or from any order, ruling or decision of the DAR, as the case may be, shall be by a petition for review with the Supreme Court within a non-extendible period of 15 days from receipt of a copy of said decision.

SEC. 61. *Procedure on Review.* – Review by the Court of Appeals or the Supreme Court, as the case may be, shall be governed by the Rules of Court. The Court of Appeals, however, may require the parties to file simultaneous memoranda within a period of 15 days from notice, after which the case is deemed submitted for decision.

SEC. 62. *Preferential Attention in Courts.* – All courts in the Philippines, both trial and appellate, shall give preferential attention to all cases arising from or in connection with the implementation of the provisions of this Act.

All cases pending in court arising from or in connection with the implementation of this Act shall continue to be heard, tried and decided into their finality, notwithstanding the expiration of the 10-year period mentioned in Section 5 hereof.

CHAPTER XIV

FINANCING

SECTION 63. *Funding Source.* – The initial amount needed to implement this Act for the period of 10 years upon approval hereof shall be funded from the Agrarian Reform Fund created under Sections 20 and 21 of Executive Order No. 229.

Additional amounts are hereby authorized to be appropriated as and when needed to augment the Agrarian Reform Fund in order to fully implement the provisions of this Act.

Sources of funding or appropriations shall include the following:

- a. Proceeds of the sales of the Assets Privatization Trust;
- b. All receipts from assets recovered and from sale of ill-gotten wealth recovered through the Presidential Commission on Good Government;
- c. Proceeds of the disposition of the properties of the Government in foreign countries;
- d. Portion of amounts accruing to the Philippines from all sources of official foreign aid grants and concessional financing from all countries, to be used for the specific purposes of financing production credits, infrastructures, and other support services required by this Act; and
- e. Other government funds not otherwise appropriated.

All funds appropriated to implement the provisions of this Act shall be considered continuing appropriations during the period of its implementation.

SEC. 64. *Financial Intermediary for the CARP.* – The Land Bank of the Philippines shall be the financial intermediary for the CARP, and shall insure that the social justice objectives of the CARP shall enjoy a preference among its priorities.

CHAPTER XV

GENERAL PROVISIONS

SECTION 65. *Conversion of Lands.* – After the lapse of five years from its award, when the land ceases to be economically feasible and sound for agricultural purposes, or the locality has become urbanized and the land will have a greater economic value for residential, commercial or industrial purposes, the DAR, upon application of the beneficiary or the landowner, with due notice to the affected parties, and subject to existing laws, may authorize the reclassification or conversion of the land and its disposition: *Provided*, That the beneficiary shall have fully paid his obligation.

SEC. 66. *Exemptions from Taxes and Fees of Land Transfers.* – Transactions under this Act involving a transfer of ownership, whether from natural or juridical persons, shall be exempted from taxes arising from capital gains. These transactions shall also be exempted from the payment of registration fees, and all other taxes and fees for the conveyance or transfer thereof: *Provided*, That all arrearages in real property taxes, without penalty or interest, shall be deductible from the compensation to which the owner may be entitled.

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SEC. 67. *Free Registration of Patents and Titles.* – All Registers of Deeds are hereby directed to register, free from payment of all fees and other charges, patents, titles and documents required for the implementation of the CARP.

SEC. 68. *Immunity of Government Agencies from Undue Interference.* – No injunction, restraining order, prohibition or *mandamus* shall be issued by the lower courts against the Department of Agrarian Reform (DAR), the Department of Agriculture (DA), the Department of Environment and Natural Resources (DENR), and the Department of Justice (DOJ) in their implementation of the program.

SEC. 69. *Assistance of Other Government Entities.* – The PARC in the exercise of its functions, is hereby authorized to call upon the assistance and support of other government agencies, bureaus and offices, including government-owned or controlled corporations.

SEC. 70. *Disposition of Private Agricultural Lands.* – The sale or disposition of agricultural lands retained by a landowner as a consequence of Section 6 hereof shall be valid as long as the total landholdings that shall be owned by the transferee thereof inclusive of the land to be acquired shall not exceed the landholding ceiling provided for in this Act.

Any sale or disposition of agricultural lands after the effectivity of this Act found to be contrary to the provisions hereof shall be null and void.

Transferees of agricultural lands shall furnish the appropriate Register of Deeds and the BARC an affidavit attesting that his total landholdings as a result of the said acquisition do not exceed the landholding ceiling. The Register of Deeds shall not register the transfer of any agricultural land without the submission of this sworn statement together with proof of service of a copy thereof to the BARC.

SEC. 71. *Bank Mortgages.* – Banks and other financial institutions allowed by law to hold mortgage rights or security interests in agricultural lands to secure loans and other obligations of borrowers, may acquire title to these mortgaged properties, regardless of area, subject to existing laws on compulsory transfer of foreclosed assets and acquisition as prescribed under Section 16 of this Act.

SEC. 72. *Lease, Management, Grower or Service Contracts, Mortgages and Other Claims.* – Lands covered by this Act under lease, management, grower or service contracts, and the like shall be disposed of as follows:

- a. Lease, management, grower or service contracts covering private lands may continue under their original terms and conditions until the expiration of the same even if such land has, in the meantime, been transferred to qualified beneficiaries.
- b. Mortgages and other claims registered with the Register of Deeds shall be assumed by the government up to an amount equivalent to the landowner's compensation value as provided in this Act.

SEC. 73. *Prohibited Acts and Omissions.* – The following are prohibited:

- a. The ownership or possession, for the purpose of circumventing the provisions of this Act, of agricultural lands in excess of the total retention limits of award ceilings by any person, natural or juridical, except those under collective ownership by farmer-beneficiaries.
- b. The forcible entry or illegal detainer by persons who are not qualified beneficiaries under this Act to avail themselves of the rights and benefits of the Agrarian Reform Program.

- c. The conversion by any landowner of his agricultural land into any non-agricultural use with intent to avoid the application of this Act to his landholdings and to dispossess his tenant-farmers of the land tilled by them.
- d. The willful prevention or obstruction by any person, association or entity of the implementation of the CARP.
- e. The sale, transfer, conveyance or change of the nature of lands outside of urban centers and city limits either in whole or in part after the effectivity of this Act. The date of the registration of the deed of conveyance in the Register of Deeds with respect to titled lands and the date of the issuance of the tax declaration to the transferee of the property with respect to unregistered lands, as the case may be, shall be conclusive for the purpose of this Act.
- f. The sale, transfer or conveyance by a beneficiary of the right to use or any other usufructuary right over the land he acquired by virtue of being a beneficiary, in order to circumvent the provisions of this Act.

SEC. 74. Penalties. – Any person who knowingly or willfully violates the provisions of this Act shall be punished by imprisonment of not less than one month to not more than three years or a fine of not less than One Thousand Pesos (P1,000) and not more than Fifteen Thousand Pesos (P15,000), or both, at the discretion of the court.

If the offender is a corporation or association, the officer responsible therefor shall be criminally liable.

SEC. 75. Suppletory Application of Existing Legislation. – The provisions of Republic Act No. 3844, as amended, Presidential Decree Nos. 27 and 266, as amended, Executive Order Nos. 228 and 229, both Series of 1987; and other laws not inconsistent with this Act shall have suppletory effect.

SEC. 76. Repealing Clause. – Section 35 of Republic Act No. 3844, Presidential Decree No. 316, the last two paragraphs of Section 12 of Presidential Decree No. 946, Presidential Decree No. 1038, and all other laws, decrees, executive orders, rules and regulations, issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 77. Separability Clause. – If, for any reason, any section or provision of this Act is declared null and void, no other section, provision, or part thereof shall be affected and the same shall remain in full force and effect.

SEC. 78. Effectivity Clause. – This Act shall take effect immediately after publication in at least two national newspapers of general circulation.

Approved: June 10, 1988.

REPUBLIC ACT No. 7161
AN ACT INCORPORATING CERTAIN SECTIONS
OF THE NATIONAL INTERNAL REVENUE CODE OF 1977, AS AMENDED,
TO PRESIDENTIAL DECREE No. 705, AS AMENDED, OTHERWISE KNOWN
AS THE “REVISED FORESTRY CODE OF THE PHILIPPINES,” AND PROVIDING AMENDMENTS
THERE TO BY INCREASING THE FOREST CHARGES ON TIMBER AND OTHER FOREST PRODUCTS

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

SECTION 1. Pursuant to Executive Order No. 273, Sections 230 to 297 of the National Internal Revenue Code of 1977, as amended, are hereby incorporated into Presidential Decree No. 705, as amended, otherwise known as the “Revised Forestry Code of the Philippines” and numbered as follows:

National Internal Revenue Code of 1977	Revised Forestry Code
Section 230	Section 68
Section 231	Section 69
Section 232	Section 70
Section 233	Section 71
Section 234	Section 72
Section 235	Section 73
Section 236	Section 74
Section 237	Section 75
Section 238	Section 76
Section 297	Section 77

All references to the Bureau of Internal Revenue, Commissioner of Internal Revenue, and Ministry of Finance in Sections 230 to 238 of the National Internal Revenue Code of 1977 shall hereafter refer to the Forest Management Bureau, and Secretary of Environment and Natural Resources, respectively.

SEC. 2. The incorporated and numbered Sections 68 to 76 of Presidential Decree No. 705, as amended, are hereby placed under a new subtitle of Chapter III (Utilization and Management) which shall be Subtitle H.

Section 3. Section 70 of Presidential Decree No. 705, as amended, (formerly Section 232 of the National Revenue Code) is hereby amended to read as follows:

SEC. 70. Charges on Timber Cut in Forestland. – There shall be collected charges on each cubic cubic meter of timber cut in forestland, whether belonging to the first, second, third or fourth group, 25 percent of the actual FOB market price based on species and grading: *Provided, however,* That, in the case of pulpwood and matchwood cut in forestland, forest charges on each cubic meter shall be 10 percent of the actual FOB market price.

SEC. 4. Section 71 of Presidential Decree No. 705, as amended, (formerly Section 233 of the National Internal Revenue Code) is hereby amended to read as follows:

SEC. 71. Charges on Firewood, Branches and Other Recoverable Wood Wastes of Timber. – Except for all mangrove species whose cutting shall be banned, there shall be collected forest charges on each cubic meter of firewood cut in forestland, branches and other recoverable wood wastes of timber, such as timber ends, tops and stumps, when used as raw materials for the manufacture of finished products, Ten Pesos (P10).

Only third or fourth group wood can be taken for firewood. However, if jointly authorized by the Secretary of both the Departments of Environment and Natural Resources, and Agriculture, first and second group woods may be removed for firewood purposes from land which is more valuable for agricultural than for forest purposes.

SEC. 5. Section 73 of Presidential Decree No. 705, as amended, (formerly Section 235 of the National Internal Revenue Code) is hereby repealed.

Section 72 of Presidential Decree No. 705, as amended, (formerly Section 234 of the National Revenue Code) is hereby amended to read as follows:

SEC. 72. Charges on Minor Forest Products. – All other forest products of forestland which are not covered by the preceding sections shall be exempt from any or all forest charges, except rattan, gums and resins, beeswax, guta-percha, almaciga resin and bamboo which shall be charged at 10 percent of the actual FOB market price.

SEC. 6. There shall be added a new section after Section 72 of Presidential Decree No. 705, to be known as Section 73, as to read as follows:

SEC. 73. Effectivity and Application of Forest Charges and Determination of Market Price of Forest Products. – The rates of forest charges provided for in Sections 70,71 and 72 hereof shall be effective upon approval of this Act. The new rates shall be published in the Official Gazette or in two newspapers of national circulation and shall also be posted in conspicuous places in the different Department of Environment and Natural Resources field offices.

The actual FOB market price of forest products shall be justly determined once a year by the Secretary of Environment and Natural Resources: *Provided*, That he shall cause the creation of a committee to be composed of representatives of the Department of Environment and Natural Resources, the National Economic and Development Authority, the Department of Trade and Industry, the Bureau of Internal Revenue and the wood and furniture industry and consumers sectors which shall formulate the criteria and/or guidelines in the determination of the actual FOB market price to be used as the basis for the assessment of the *ad valorem* tax, taking into consideration production cost (developing cost, contingencies and miscellaneous cost), species and grade of timber, government share, reforestation, tariff duties, taxes, risk involved and a reasonable margin of profit for domestic and export market prices for wood and wood products.

These forest charges shall be applied to natural growing timber and forest products gathered within public forestlands, alienable and disposable lands and private lands. Forest charges collected shall be in lieu of the administrative charge on environment and other fees and charges imposed thereon: *Provided*, That planted trees and other forest products harvested from industrial tree plantations and private lands covered by existing tiller or by approved land application are exempted from payment of forest charges.

SEC. 7. Section 77 of Presidential Decree No. 705, as amended, as numbered herein, is hereby repealed.

Section 68 of Presidential Decree No. 705, as amended by Executive Order No. 277 dated July 25, 1987 and Section 68-A and 68-B of Presidential Decree No. 705, as added by Executive Order No. 277, are hereby renumbered as Sections 77, 77-A, and 77-B.

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Accordingly, the succeeding Sections 69 to 80 of Presidential Decree No. 705, as amended are hereby renumbered as Sections 78 to 89, respectively, and Sections 80-A, 80-B, to 83 are hereby renumbered as Sections 89-A, 89-B to 92, respectively.

SEC. 8. This Act shall take effect 15 days after its publication in a newspaper of general circulation.

Approved: October 10, 1991.

REPUBLIC ACT No. 7308
AN ACT TO PROMOTE AND DEVELOP THE SEED INDUSTRY IN THE PHILIPPINES
AND CREATE A NATIONAL SEED INDUSTRY COUNCIL AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the “*Seed Industry Development Act of 1992.*”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to promote and accelerate the development of the seed industry and, for this purpose, the government shall:

- a. conserve, preserve and develop the plant genetic resources of the nation;
- b. encourage and hasten the organization of all sectors engaged in the industry, integrate all their activities, and provide assistance to them;
- c. consider the seed industry as a preferred area of investment;
- d. encourage the private sector to engage in seed research and development and in mass production and distribution of good quality seeds; and
- e. provide the local seed industry protection against unfair competition from imported seeds.

SEC. 3. Definition of Terms. – When used in this Act, the following terms shall mean as follows:

- a. *Seed* shall mean plant material used for the production of food, forage, fibers, industrial crops, oil, flowers, grasses, herbs and aquatic plants, including but not limited to meristem, and clonal propagules such as tubers, corms, cuttings, and micro-propagated plantlets;
- b. *Seed Lot* shall mean a definite quantity of seeds identified by a lot number or other identification marks, or every portion of the bag or any container, the contents of which uniformly represent the factors which appear in the label within allowable tolerance;
- c. *Breeder Seed* shall mean a seed directly controlled by the originating, or in certain cases, the sponsoring plant, breeder or institution and which provide the source for the initial and recurring increase of foundation seeds;
- d. *Foundation Seed* shall mean seed that is a progeny of breeder seeds so handled as to maintain a minimum acceptable level of genetic purity and identity;
- e. *Registered Seed* shall mean the progeny of foundation seeds so handled as to maintain satisfactory genetic identity and purity;
- f. *Seed Industry* shall mean the different components of the chain of activities undertaken by an individual, association, cooperative, corporation or firm, academic institutions, public agricultural research institutes in the production, processing, testing, handling, grading, storage, distribution, and marketing of seeds for agricultural production with economic benefits;
- g. *Seed Testing* shall mean the accurate and prompt analysis of a seed sample based on methodologies prescribed by the Council to determine its quality;
- h. *Seed Certification* shall mean a system of seed production geared toward maintaining genetic identity, varietal purity and standards of quality seeds of superior crop varieties;

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- i. *Quality Control* shall mean a systematic approach to determine, achieve and maintain desired standards of seed quality;
- j. *Seed Sample* shall mean a quantity of seeds drawn from seed lots in accordance with the rules for seed sampling to be promulgated under this Act, properly identified, labeled, and submitted for seed testing;
- k. *Label* shall mean any written, printed or graphic presentation in any manner on the seed container giving information as required in the rules and regulations promulgated under this Act;
- l. *Seed Dealer/Trader/Merchant* shall mean any person, firm, agency, cooperative or corporation engaged in the processing and/or marketing of seeds;
- m. *Seed Grower/Producer* shall mean any person, natural or juridical, engaged in the production, processing and/or marketing of seeds;
- n. *Seed control* shall mean the regulation of seed marketing through registration of seed merchants/dealers compulsory labeling, and establishment of minimum standards of seed quality.

SEC. 4. National Seed Industry Council. – There is hereby created a National Seed Industry Council, hereinafter referred to as the “Council,” to replace the existing Philippine Seed Board. The Council shall be composed of the following who, except for the representatives of the private sector shall serve in *ex officio* capacity.

- a. Secretary, Department of Agriculture – Chairman
- b. Director, Bureau of Plant Industry – Vice Chairman and Executive Director
- c. Dean, College of Agriculture University of the Philippines at Los Baños, Laguna – Member
- d. Director, Institute of Plant Breeding – Member
- e. Crop Research Director, Philippine Council for Agriculture Forestry and Natural Resources Research and Development – Member
- f. Director, Philippine Rice Research Institute – Member
- g. Two representatives from accredited farmers’ organizations
- h. One Representative from the said industry – Member

The representatives of the sectors enumerated herein, who shall be nominated by their respective sectors or associations, shall be appointed by the Secretary of Agriculture and shall serve for a term of three years. Only citizens of the Philippines shall be members of the Council. In case of vacancy, the appointed successor shall serve only the unexpired portion of the term of his predecessor.

SEC. 5. Duties, Powers and Functions. – The Council shall have the following duties, powers and functions:

- a. to formulate policies that will stimulate plant breeding activities for the development of the genetic resources of the country in accordance with the provisions of this Act;
- b. to encourage persons, associations, cooperatives and corporations engaged in genetic resources conservation, varietal development, production and processing, quality control, storage, marketing, and distribution of seeds to adopt systems and practices which improve the quality of seeds for distribution to farmers;
- c. to promote the establishment of infrastructures and other support services in priority areas geared toward the development of the seed industry;

- d. to formulate a comprehensive medium and long-term national seed industry development program in order to achieve self-sufficiency in the supply of high quality seeds;
- e. to grant awards, subsidiaries and other forms of assistance to seed or plant breeders who develop or are developing outstanding varieties or cultivars;
- f. to formulate policies that will stimulate plant breeding activities; and
- g. to promulgate rules and regulations to implement the provisions of this Act.

SEC. 6. Council Meetings. – The Council shall hold regular quarterly meetings: *Provided*, That it may hold special meetings when necessary upon the call of the Chairman or upon written request of at least three members. The presence of five members shall constitute a *quorum*.

The members of the Council shall not receive any compensation: *Provided*, That they shall be entitled to *per diems* and travel allowances, to be determined by the Council for every attendance in the meetings.

SEC. 7. Chairman, Duties and Responsibilities. – The Chairman of the Board shall have the following duties and responsibilities:

- a. to preside over the meetings of the Council;
- b. to supervise the operations and administration of the Council; and
- c. to exercise such other functions and perform such other duties as may be vested in him by the Council.

SEC. 8. Executive Director, Duties and Responsibilities. – The Executive Director shall have the following duties and responsibilities:

- a. to execute, direct and implement the policies, regulations and resolutions issued by the Council;
- b. to assist in the administration, management and supervision of the functional activities of the Council;
- c. to coordinate, monitor and evaluate the seed program of the different government agencies;
- d. to administer and manage the budgetary appropriations and financial disbursements of the Council; and
- e. to supervise the Council Secretariat and maintain official records, files and proceedings of the Council.

SEC. 9. Council Secretariat. – The Council shall have a Secretariat which shall furnish the necessary administration, secretarial and other support services to the Council. The Secretariat shall be under the direction and supervision of the Executive Director. The personnel of the Secretariat shall be appointed, and their compensation fixed by the Chairman upon the recommendation of the Executive Director in accordance with Civil Service rules and regulations.

SEC. 10. Technical Secretariat. – There is hereby created under the Council a Technical Secretariat which shall assume the functions of the existing Philippine Seed Board Technical Working Groups. The heads and the members of the Technical Secretariat shall be appointed and their compensation and tenure fixed by the Chairman upon the recommendation of the Executive Director.

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The Technical Secretariat shall establish seed standards and formulate systems and procedures for varietal identification, evaluation, nomination, review and approval for registration, commercial release and discontinuation of crop cultivars and varieties in the National Agricultural Crop Production and Development Program.

SEC. 11. *National Seed Quality Control Services.* – There shall be a National Seed Quality Control Services, hereinafter referred to as “Services,” which shall be constituted in the Bureau of Plant Industry. It shall have control and supervision over filed inspection and control services, and seed testing laboratories which shall be established by the Bureau of Plant Industry in various parts of the country as are necessary to ensure the attainment of the purposes of this Act. All personnel, funds and equipment of the existing control services and the field inspection services of the Department of Agriculture are hereby transferred to the herein created body.

SEC. 12. *Functions of the National Seed Quality Control Services.* – The National Seed Quality Control Services shall perform the following functions:

- a. formulate plans and programs on seed quality control services and activities on seed testing, plant/seed material certification and other quality control schemes to be developed;
- b. sample and conduct seed analysis and issue the corresponding report of analysis of samples drawn from locally produced and imported seed within the purview of this Act;
- c. conduct field inspection of the seed crops, seed storage and processing facilities and other activities required for seed/plant material certification and issue the corresponding report of inspection within the purview of this Act;
- d. conduct other related functions like seed research and seed technology training for its clientele;
- e. collect reasonable fees for testing of seeds, inspection of crop fields and facilities and for issuance of permits and licenses in relation to the activities of the Services;
- f. supervise and coordinate all official seed testing laboratories in the regions and provincial satellite laboratories and seed certification in all provinces and sub-provinces;
- g. accredit private seed testing laboratories; and
- h. perform such other functions as the Council may direct.

SEC. 13. *Seed Industry Development Program.* – The Council shall adopt within 90 days after it has been constituted, a Seed Industry Development Program hereinafter referred to as the “Program,” which shall be implemented by its constituent agencies.

- a. A network of seed centers to be known as the National Seed Network shall be established at the Bureau of Plant Industry and major agricultural colleges and universities to produce sufficient quantity of breeder, foundation and registered seeds of all varieties developed by the government sector;
- b. The Department of Agriculture shall have the overall task of directing and coordinating the activities of its component agencies in accelerating the development of the seed industry;
- c. The Bureau of Plant industry shall have the direct responsibility for the production, distribution, regulation of breeder, foundation and registered seeds, and the implementation of the Program, including but not limited to the management of the existing research stations and seed farms, seed testing laboratories, and certification services under a self-reliant management scheme;

- d. The University of the Philippines at Los Baños shall provide leadership in plant biotechnology activities related to plant improvement, genetic resources conservation, and in vitro mass production of planting materials through the Institute of Plant Breeding (IPB);
- e. The Philippine Rice Research Institute (PHILRICE) shall develop appropriate rice varieties under Philippine Conditions and propagate them into breeder, foundation, and registered seeds and extend all necessary technical assistance to ensure the proper utilization of such seeds on the farm level;
- f. The Board of Investment (BOI) shall promulgate necessary rules for the development of the seed industry as a preferred area of investment; and
- g. The private sector of the seed industry shall direct their collective efforts towards an increased and more active cooperation and coordination with the government agencies. Farmers' organizations shall take active part in the conservation of the plant genetic resources of the nation.

SEC. 14. Incentives. – The private sector may avail of the following incentives to develop the local seed industry:

- a. Individuals, farmers' organizations, cooperatives, and corporations, wholly owned by Filipinos shall be entitled to technical assistance from the Government, including training in seed technology, and availment of seeds and results of basic research studies;
- b. Technical equipment used in seed processing, sowing, meristem culture, storage and quality testing by individuals, farmers organizations, cooperatives and corporations wholly-owned by Filipinos shall be exempted from duties and taxes during their first five years of operation subject to the following conditions:
 - 1. The equipment are not manufacture domestically in sufficient quantity of comparable quality and at reasonable prices;
 - 2. They are reasonably needed and will be used exclusively by the importer in the operation of its business;
 - 3. Approval of the Council was obtained prior to the importation;
 - 4. In case the importer transfers, sells, or disposes of the equipment within five years from acquisition without prior approval of the Council the former shall be solidarily liable with the transferee to pay double the amount of tax exemption given it. The Council may permit transfer, sale or disposition of said equipment within the said five years if made to another person or entity enjoying similar incentives, or for reason of proven technical obsolescence, or for purposes of replacement to improve and expand the operations of the importer;
 - 5. The importer shall not enjoy a similar incentive under the Omnibus Investments Code of 1987;
However, cooperatives organized and registered under Republic Act No. 6938 shall be covered by Articles 61, 62, and 63 of the said law pertaining to the tax exemption privileges of cooperatives; and
 - 7. Expenses for research, development and extension of private Filipino seed producers shall enjoy a 200 percent deduction from their gross income for the first five years of operation in accordance with the rules and regulations to be promulgated by the Department of Finance within 90 days from the effectivity of this Act.

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SEC. 15. Restrictions. – The following acts are prohibited:

- a. Importation in commercial quantities of species of seeds that are being produced locally, except seeds difficult to grow under ordinary conditions or when allowed by the Council;
- b. Exportation of rare species, varieties, lines and strains of plants from the country except for scientific or international exchange purposes which shall be determined by the Council; and
- c. Such other activities as the Council may deem fit to prohibit.

SEC. 16. Funds of the Council. – There is hereby created a special account in the general fund to be known as the Seed Fund which shall be obtained from the following sources:

- a. Five Million Pesos (P5 million) to be appropriated out of any funds in the National Treasury not otherwise appropriated;
- b. the existing Seed Fund;
- c. revenues from the sale of certified seeds and plant materials, including but not limited to the income derived from the products of research stations and seed farms, seed processing and testing fees, field inspection fees, seed export and import fees, license fees, fees for the issuance of permits to seed growers/producers, fines collected for violations of this Act; and
- d. donations from private or government agencies, either domestic or foreign: *Provided*, That said funds shall be held in trust by the Bureau of Plant Industry: *Provided, further*, That the allocation, utilization and disposition of such funds shall be by and under the authority of the Council.

SEC. 17. Appropriations. – The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the Year following its enactment into law and thereafter.

SEC. 18. Authority to Search and Condemn Unlawful Seed Lots. – In order to carry out effectively the provisions of this Act, the Executive Director of the Council is hereby authorized to search and seize seed lots labeled, identified or imported in violation of this Act: *Provided*, That a search warrant shall first be secured from the proper court and the same shall be served/enforced with the assistance of the Philippine National Police (PNP) of the National Bureau of Investigation.

Should the seed lots so searched and seized be found after due hearing, to be suitable for condemnation, in his judgment, the Executive Director is hereby empowered to issue to any of his designated representatives an order for condemnation of unlawful seed lots, in which case the same shall be processed, relabeled or otherwise disposed of in such manner as he may deem appropriate: *Provided*, That in no case shall the Executive Director order such condemnation without giving the claimant an opportunity to apply for the release of said seed lot or permission to process it in compliance with this Act, subject to the payment of just compensation in the proper case.

SEC. 19. Penal Provisions. – Any person, firm, or association who shall violate any provision of this Act or the implementing rules and regulations promulgated pursuant to this Act, shall, upon conviction, be punished with a fine of not more than Ten Thousand Pesos (P10,000) or imprisonment of not more than five years, or both, in the discretion of the Court: *Provided*, That in the case of a firm or association, the penalty of imprisonment shall be imposed upon the officer(s) who knowingly participated, abetted, or consented to the commission of such punishable acts.

REPUBLIC ACT No. 7308

SEC. 20. Rules and Regulations. – The Council Shall within 90 days from the effectivity of this Act, promulgate the necessary rules and regulations for the enforcement of the provisions of this Act.

SEC. 21. Repealing Clause. – All existing laws, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, superseded or modified accordingly: *Provided, however,* That nothing in this Act shall amend, modify or repeal the provisions of Republic act No. 7160, otherwise known as the Local Government Code.

SEC. 22. Separability Clause. – If any part, Section, or provision of this Act shall be held invalid or unconstitutional, the rest of the provisions shall not be affected thereby.

SEC. 23. Effectivity. – This Act shall take effect 15 days after its complete publication in the Official Gazette or in at least two newspapers of general circulation. (88 OG 19, May 11, 1992, p. 2793)

Approved: March 27, 1992.

REPUBLIC ACT NO. 7900
AN ACT TO PROMOTE THE PRODUCTION, PROCESSING, MARKETING
AND DISTRIBUTION OF HIGH-VALUED CROPS, PROVIDING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

SECTION 1. Title. – This Act shall be known as the “*High-Value Crops Development Act of 1995.*”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to accelerate the growth and development of agriculture in general, enhance productivity and incomes of farmers and the rural population, improve investment climate, competencies and efficiency of agribusiness and develop high-value crops as export crops that will significantly augment the foreign exchange earnings of the country, through an all-out promotion of the production, processing, marketing, and distribution of high-value crops in suitable areas of the country.

The State shall be guided by the principles that land has a social function and land ownership has a social responsibility. As such, owners and lessees of agricultural land, being stewards, have the obligation to cultivate the lands they own or lease and make the land economically productive on a sustainable and environmentally friendly manner. The State has the right to expropriate lands not utilized for the benefit of the community and the country as a whole.

The State shall effect an efficient use of land and other productive resources with due regard to ecological balance and environmental protection, rural development, equity consideration, mobilization of human resources, and increased agro-industrial production for the alleviation of poverty and sustainable growth objectives.

SEC. 3. Scope of Application. – This Act shall cover upland dwellers as well as lowland tenants, indigenous and cultural communities, Comprehensive Agrarian Reform Program (CARP) beneficiaries, upland farm owners, farmers, farmers’ organizations/associations/cooperatives, community associations and farmworkers, and to the extent herein provided, the departments, offices, agencies, subdivisions, branches or instrumentalities in the areas identified by the Department of Agriculture as key commercial crop production areas.

SEC. 4. Definition of Terms. – For purposes of this Act, the term:

- a. *Non-traditional crops* refer to crops other than rice, corn, coconut and sugar.
- b. *High-value crops (HVC)*, these are crops other than traditional crops which include, but are not limited to: coffee and cacao, fruit crops (citrus, cashew, *guyabano*, *papaya*, mango, pineapple, strawberry, jackfruit, *rambutan*, durian, mangosteen, guava, *lanzones*, and watermelon), root crops (potato and *ubi*), vegetable crops (asparagus, broccoli, cabbage, celery, carrots, cauliflower, radish, tomato, bell pepper, and *patola*), legumes, pole *sitao* (snap beans and garden pea), spices and condiments (black pepper, garlic, ginger, and onion), and cutflower and ornamental foliage plants (chrysanthemum, gladiolus, anthuriums, orchids, and statice).
- c. *Idle and abandoned land* refers to any agricultural land not cultivated, titled or developed to produce any crop nor devoted to any specific economic purpose continuously for a period of three years immediately prior to the receipt of notice of acquisition by the government as provided under the CARP.
- d. *Alienable and disposable lands* refer to those lands of the public domain which have been the subject of the present system of classification and declared as not needed for forest purposes.

- e. *Forest land* – refers to the lands of the public domain which have not been declared as alienable or disposable, public forests, permanent forests or forest reserves, forest reservations, timberlands, grazing lands, game refuge, and bird sanctuaries.

SEC. 5. *Site Identification.*– The Department of Agrarian Reform and the Department of Agriculture, in coordination with the Department of Environment and Natural Resources, and the municipal government concerned, shall identify the broad areas suitable for high-valued crops production, within six months after the effectivity of this Act: *Provided*, That such site identification shall be reviewed at appropriate intervals to ensure consistency with the agrarian reform program and the national land use policy.

SEC. 6. *Tenurial Arrangement.* – Farmer cooperatives may lease the land for a period of 25 years, and not to exceed 1,000 hectares in area.

SEC. 7. *Farm Model.* – For the program, farmers may adopt the cooperative system in putting up economically-sized farms for high-value crop farming. Farmer members shall collectively manage individual farms which includes contracting process and means of production; planning and coordinating crops varieties; and raising breed, hectarage, distribution and some production measures with reference to the market it shall serve. Said farm models may be replicated by farmers’ organizations all over the country.

SEC. 8. *High-Value Crops Development Fund (HVCDF).* – For the purpose of providing the funding requirements of the production, marketing, and processing of high-value crops, and the establishment of low-cost credit to qualified project proponents, there is hereby created a High-Value Crops Development Fund (HVCDF), with an initial amount of One Billion Pesos (P1 billion). The HVCDF shall be sourced from the Comprehensive Agricultural Loan Fund (CALF) and shall be managed by the Land Bank of the Philippines (LBP) and the Development Bank of the Philippines (DBP). Other sources of funds, including but not limited to borrowings from local and international financial institutions, shall also be considered to further support the program: *Provided*, That 60 percent of the HVCDF shall be utilized for direct lending to high-value crop producers while the remaining 40 percent shall be allocated by the Department of Agriculture to guarantee loans granted by private financial institutions toward high-value crop production through existing guarantee institutions. The Department of Agriculture, which is directly responsible for the management of the HVCDF, is hereby authorized to designate the Land Bank of the Philippines and the Development Bank of the Philippines to manage the direct lending operations of the 60 percent portion of the HVCDF through LBP and DBP facilities or their conduits.

All financial institutions, whether public or private, shall be tapped to support the program. Participating banks are hereby exempted from the compliance requirement of Presidential Decree No. 717: *Provided*, That they shall lend a minimum of 5 percent of their loanable funds without alternative compliance directly to farmers’ associations or cooperatives.

Other sources of funds, including but not limited to borrowings from local and international financial institutions, shall also be considered to further support the program.

SEC. 9. *Incentives.* – The proponents of the program shall be entitled to the following incentives:

- a. *Crop insurance* – the insurance program of the Philippine Crop Insurance Corporation (PCIC) shall be expanded to cover high-value crops. The premium rates shall be set not on the basis of the performance of previous programs specifically on rice and corn;

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- b. *Credit assistance* – the HVCDF shall be loaned out to farmers’ organizations/ associations/ cooperatives composed of, but not limited to, CARP beneficiaries, subject to the prevailing Land Bank interest rates;
- c. *Credit Guarantee* – to enhance the bankability of projects, a credit guarantee cover shall be extended by the Quedan and Rural Credit Guarantee Corporation (QUEDANCOR) which shall thereby be provided with a commensurate guarantee fund, in the form of equity, out of the HVCDF;
- d. *Grace period on lease of government lands payments* – project proponents shall effect payment on the lease not earlier than two years after the lease agreement is signed and approved. The grace period shall be determined by the gestation periods of the crops;
- e. *Tax exemption* – project proponents as defined in Section 7 of this Act shall be entitled to the following tax exemptions:
 - 1. Exemptions from taxes and duties subject to the provisions of Article 62 of Republic Act No. 6938 or the Cooperative Code of the Philippines;
 - 2. Exemption from the value-added tax in accordance with Section 103 of the National Internal Revenue Code, as amended; and
 - 3. Exemption from taxes, fees and charges under Title One of Book Two of the Local Government Code of 1991 in accordance with Section 133(n) of the said Code.
- f. *Market linkage* – the Department of Agriculture, in coordination with the Department of Trade and Industry, shall link-up agribusiness cooperatives directly with consumers cooperatives, agro-processing companies, or exporters to provide marketing outlets and assure relatively higher and stable prices. Agro-processing firms buying directly from project proponents shall be granted tax rebates.

To ensure health and proper trading, the agribusiness development group of the Department of Agriculture shall establish and enforce standards in grading, sampling and inspection, tests and analysis, specifications, nomenclature, units of measurement, code of practice and packaging, preservation, conservation and transportation of high-value crops.
- g. *Technical and infrastructure support* – technical support on research and extension, infrastructure development, financial and market information shall be provided by the Department of Agriculture, Department of Trade and Industry, Department of Science and Technology, Cooperative Development Authority, state universities and colleges and other relevant government agencies;
- h. *Post harvest facilities* – access to post harvest facilities, storage and distribution/transport facilities of existing government agencies shall be facilitated. Assistance shall be given to qualified and viable farmers/growers cooperatives in the availment of soft loans or grants for the construction of post-harvest, processing and storage facilities. Guidelines for the eventual transfer of ownership of these facilities to the proponent shall be formulated by the Department of Agriculture;
- i. *Good seeds and planting materials* – the Department of Agriculture, in coordination with the state universities and colleges, the Department of Trade and Industry, and farmers organizations shall make good seeds and materials readily available to farmers/farmers’ cooperatives to ensure high yield and good quality produce.

However, the project proponents may be allowed to import, free of duties, high quality seeds/ planting materials subject to quarantine laws and Section 15 of Republic Act No. 7083 or the Seed Industry Development Act of 1992; and

- j. *Fiscal incentives* – the same fiscal incentives granted by the Board of Investments shall be automatically granted to project proponents.

SEC. 10. Inter-Agency Committee. – A committee, composed of representatives from the Department of Agriculture, the Department of Agrarian Reform, the Bangko Sentral ng Pilipinas, the Land Bank of the Philippines, the Development Bank of the Philippines, the Cooperative Development Authority, the Department of Science and Technology, the Department of Trade and Industry, the Department of Environment and Natural Resources, and the Department of the Interior and Local Government and one each from the small farmers and commercial producers sectors to be designated by the Secretary of Agriculture, shall formulate and prescribe, after public hearing and publication as required by law, the implementing rules and regulations in order to carry out the provisions of this Act. The representatives from the Department of Agriculture and the Department of Trade and Industry shall be the chairman and the vice chair, respectively, of the committee.

The Secretary of the Department of Agriculture shall report to both Houses of Congress on the status of the High-Value Crops Development Program biannually.

SEC. 11. Agribusiness Development Group. – The agribusiness development group of the Department of Agriculture shall be strengthened to implement, coordinate and monitor the program based on the rules and regulations set forth by the inter-agency committee. Aside from its usual functions, it shall be tasked to perform the following functions:

- a. Assist in the formulation of general and specific policies for the development of high-value crops;
- b. Set up the appropriate system to monitor the utilization of the HVCDF and shall furnish the Bangko Sentral ng Pilipinas regular reports on the financial institutions' compliance to the program;
- c. Extend assistance in marketing and distribution of high-value crops through monitoring and dissemination of market information, including identification of the local supply-demand situation, domestic market matching and overseas market intelligence and promotion activities on high-value crops;
- d. Enjoin the Department of Transportation and Communications to effect a more efficient, regular, adequate, suitable, and economical means of transporting and/or shipping of high-value crops, for purposes of reducing marketing costs and ensuring stable consumer supply;
- e. Encourage the establishment of wholesale markets in identified major centers of the country: *Provided, That* agricultural produce collection centers may also be established in areas where feasible, which may also serve as buying stations of farm products, packaging houses, pick-up points and meeting places of farmers'/growers' cooperatives;
- f. Establish linkages with various government and private research institutions for the conduct of studies and researches designed to promote the production, marketing and processing of high-value crops;
- g. Conduct farmers' training programs primarily aimed at increasing their knowledge on production technologies and on market potentials and prospects for various types of high-value crops, through the DA-Agricultural Training Institute (ATI), the DTI or the LGU's technicians or by contracting agriculturists and marketing specialists from private or academic institutions;
- h. Establish experimental stations and seed farms for the development of varieties suitable to the agro-climatic conditions of the area and markets that will provide greatest value added to high-value crops; and

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- i. Devise and maintain a system for regularly obtaining information on current and future production, their prices and movement in trade, to determine and effect a balanced distribution of high-value crops by means of inter-trading or intra-trading among the established wholesale markets.

Such amount as may be needed for the initial operating expenses of the group shall be charged to any available funds in the appropriation for current operating expenditures of the Department of Agriculture. Thereafter, the amount necessary for its operations shall be included in the annual General Appropriations Act.

SEC. 12. Repealing Clause. – All laws or parts thereof, decrees, orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly: *Provided, however,* That nothing in this Act shall be construed or applied as amending the CARL and other laws on agrarian reform.

SEC. 13. Separability Clause. – If any of the provisions of this Act is declared invalid, the other provisions not affected thereby shall remain in full force and effect.

SEC. 14. Effectivity Clause. – This Act shall take effect immediately following its publication in a newspaper of general circulation or in the Official Gazette, whichever comes first.

Approved: February 23, 1995.

REPUBLIC ACT No. 8048
**AN ACT PROVIDING FOR THE REGULATION OF THE CUTTING OF COCONUT TREES,
ITS REPLENISHMENT, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES**

SECTION 1. Title. – This act shall be known as the “*Coconut Preservation Act of 1995.*”

SEC. 2. Declaration of Policy. – Considering the importance of the coconut industry in nation building being one of the principal industries and one of the largest income earners of the country, it becomes mandatory for the government to step-in and regulate the unabated and indiscriminate cutting of the coconut trees. For reasons of national interest, it is hereby declared the policy of the State to provide for the growth of the industry by embarking on a sustainable and efficient replanting program.

SEC. 3. Definitions of Terms. – For purposes of this Act, the following terms shall be defined as follows:

- (a) *Coconut tree* refers to a tall pinnate-leaved palm bearing a large edible fruit called the coconut.
- (b) *Replanting program* refers to the program formulated by the Philippine Coconut Authority (PCA) to replenish the coconut trees which have been permitted to be cut by the PCA.
- (c) *Permit* refers to the written authorization of the PCA allowing the cutting of coconut trees.
- (d) *Economically unproductive farm* refers to a coconut area where the cost of farm production and maintenance is greater than the generated proceeds or income for a period of at least three years.
- (e) *Senescent coconut trees* are coconut trees which are already overage, weak and no longer productive.

SEC. 4. Prohibition. – No coconut tree shall be cut except in the following cases and only after a permit had been issued therefor:

- (a) When the tree is 60 years old;
- (b) When the tree is no longer economically productive;
- (c) When the tree is disease-infested;
- (d) When the tree is damaged by typhoon or lightning;
- (e) When the agricultural land devoted to coconut production shall have been converted in accordance with law into residential, commercial or industrial areas;
- (f) When the land devoted to coconut production shall be converted into other agricultural uses or other agriculture-related activities in pursuance to a conversion duly applied for by the owner and approved by the proper authorities: *Provided*, That no conversion shall be allowed by the PCA until after it shall have been verified and certified that for a period of at least three years the majority of the coconut trees have become senescent and economically unproductive or where the coconut farm is not adaptable to sound management practices on account of geographical location, topography, drainage and other conditions rendering the farm economically unproductive; and
- (g) When the tree would cause hazard to life and property.

No other causes other than those abovementioned shall be considered as a valid ground for cutting.

SEC. 5. Permit to cut. – No coconut tree or trees shall be cut unless a permit therefore, upon due application being made, has been issued by the PCA pursuant to Section 6 of this Act.

The applicant shall pay an application fee in the amount of Twenty-five Pesos (P25) for every tree intended to be cut payable to the PCA. Ten Pesos (P10) of the fee shall accrue in favor of the PCA, Ten

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Pesos (P10) in favor of the municipal government concerned, and Five Pesos (P5) in favor of the barangay unit concerned. The fees shall be used for the PCA's replanting program and for the repair and rehabilitation of roads of the respective local government units which have been damaged by the passage of heavy vehicles used for transporting coconut lumber.

No permit to cut shall be granted unless the applicant, in coordination with the PCA and the local government unit concerned, has already planted the equivalent number of coconut trees applied for to be cut.

Such replantings, however, shall not apply to areas converted into industrial, commercial or residential sites or land transformed in accordance with law, into other agricultural purposes.

The PCA, in coordination with the local government unit concerned, shall regulate and oversee the planting, fertilization and care of the newly planted coconut trees. For this purpose, it shall be incumbent upon the PCA to conduct, from time to time, on-the-spot inspections of the sites where the coconut trees have been planted.

SEC. 6. Authority to Cut. – The Philippine Coconut Authority shall have the exclusive authority to grant permit for the cutting of coconut trees. The authority may be delegated to the city or municipal mayors as the PCA may determine.

SEC. 7. Implementing Rules. – The Philippine Coconut Authority shall be the lead agency to implement the provisions of this Act. For this purpose, the Philippine Coconut Authority shall prescribe the necessary rules and regulations for the immediate and effective implementation of this Act.

The PCA, in order to effectively implement the provisions of this Act, may request the assistance of any local government unit, to monitor and ensure compliance with this Act including its implementing rules and regulations. For this purpose, the PCA may deputize the Philippine National Police or other law enforcement agencies to investigate and apprehend those caught violating the provisions of this Act, including the confiscation of illegally cut trees.

In addition to the foregoing, the PCA shall also, in coordination with the local government unit concerned, require the registration of all sawmills, lumberyards, coconut wood dealers and other persons or entities dealing in the processing, sawing of the coconut trees.

SEC. 8. Penalties. – Those found guilty of violating this Act or any rules and regulations issued pursuant hereto shall, upon conviction, be punished by imprisonment of not less than one year but not more than six years, or a fine of not less than Fifty Thousand Pesos (P50,000) but not more than Five Hundred Thousand Pesos (P500,000), or both, in the discretion of the court.

If the offender is a corporation or a juridical entity, the official who ordered or allowed the commission of the offense shall be punished with the same penalty.

If the offender is in the government service, he shall, in addition, be dismissed from office.

SEC. 9. Separability Clause. – If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections of this Act.

SEC. 10. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed or modified accordingly.

SEC. 11. Effectivity Clause. – This Act shall take effect upon its approval.

Approved: June 7, 1995.

REPUBLIC ACT No. 8435

AN ACT PRESCRIBING URGENT RELATED MEASURES TO MODERNIZE THE AGRICULTURE AND FISHERIES SECTORS OF THE COUNTRY IN ORDER TO ENHANCE THEIR PROFITABILITY, AND PREPARE SAID SECTORS FOR THE CHALLENGES OF THE GLOBALIZATION THROUGH AN ADEQUATE, FOCUSED AND RATIONAL DELIVERY OF NECESSARY SUPPORT SERVICES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

SECTION 1. Short Title. – This act shall be known as the “*Agriculture and Fisheries Modernization Act of 1997.*”

SEC. 2. Declaration of Policy. – The goals of the national economy are more equitable distribution of opportunities, income and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and an expanding productivity as the key to raising the quality of life for all, especially the underprivileged.

The State shall promote industrialization and full employment based on sound agricultural development and agrarian reform, through industries that make full and efficient use of human and natural resources, and which are competitive in both domestic and foreign markets. In pursuit of these goals, all sectors of the economy and all regions of the country shall be given optimum opportunity to develop. Private enterprises, including corporations, cooperatives, and similar collective organizations, shall be encouraged to broaden the base of their ownership.

Thus, it is hereby declared the policy of the State to enable those who belong to the agriculture and fisheries sectors to participate and share in the fruits of development and growth in a manner that utilizes the nations resources in the most efficient and sustainable way possible by establishing a more equitable access to assets, income, basic and support services and infrastructure.

The State shall promote food security, including sufficiency in our staple food, namely rice and white corn. The production of rice and white corn shall be optimized to meet our local consumption and shall be given adequate support by the State.

The State shall adopt the market approach in assisting the agriculture and fisheries sectors while recognizing the contribution of the said sector to food security, environmental protection, and balanced urban and rural development, without neglecting the welfare of the consumers, especially the lower income groups. The state shall promote market-oriented policies in agricultural production to encourage farmers to shift to more profitable crops.

The state shall empower the agricultural and fisheries sector to develop and sustain themselves. Toward this end, the State shall ensure the development of the agriculture and fisheries sectors in accordance with the following principles:

- a) *Poverty Alleviation and Social Equity.* – The State shall ensure that the poorer sectors of society have equitable access to resources, income opportunities, basic and support services and infrastructure especially in areas where productivity is low as a means of improving their quality of life compared with other sectors of society;
- b) *Food Security.* – The State shall assure the availability, adequacy, accessibility of food supplies to all at all times;

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- c) *Rational Use of Resources.* – The State shall adopt a rational approach in the allocation of public investments in agriculture and fisheries in order to assure efficiency and effectiveness in the use of scarce resources and thus obtain optimal returns on its investments;
- d) *Global Competitiveness.* – The State shall enhance the competitiveness of the agriculture and fisheries sectors in both domestic and foreign markets;
- e) *Sustainable Development.* – The State shall promote development that is compatible with the preservation of the ecosystem in areas where agriculture and fisheries activities are carried out. The State should exert care and judicious use of the country's natural resources in order to attain long-term sustainability;
- f) *People Empowerment.* – The State shall promote people empowerment by enabling all citizens through direct participation or through their duly elected, chosen or designated representatives the opportunity to participate in policy formulation and decision-making by establishing the appropriate mechanisms and by giving them access to information; and
- g) *Protection from Unfair Competition.* – The State shall protect small farmers and fisher folk from unfair competition such as monopolistic and oligopolistic practices by promoting a policy environment that provides them priority access to credit and strengthened cooperative-based marketing system.

SEC. 3. Statement of Objectives. – This Act shall have the following objectives:

- a) To modernize the agriculture and fisheries sectors by transforming these sectors from a resource-based to a technology-based industry;
- b) To enhance profits and incomes in the agriculture and fisheries sectors, particularly the small farmers and fisherfolk, by ensuring equitable access to assets, resources and services, and promoting higher-value crops, value-added processing, agribusiness activities, and agro-industrialization;
- c) To ensure the accessibility, availability and stable supply of food to all at all times;
- d) To encourage horizontal and vertical integration, consolidation and expansion of agriculture and fisheries activities, group functions and other services through the organization of cooperatives, farmers' and fisherfolk's associations, corporations, nucleus estates, and consolidated farms and to enable these entities to benefit from economies of scale, afford them a stronger negotiating position, pursue more focused, efficient and appropriate research and development efforts and enable them to hire professional managers;
- e) To promote people empowerment by strengthening people's organizations, cooperatives and NGO's and by establishing and improving mechanisms and resources for their participation in government decision-making and implementation;
- f) To pursue a market-driven approach to enhance the comparative advantage of our agriculture and fisheries sectors in the world market;
- g) To induce the agriculture and fisheries sectors to ascend continuously the value-added ladder by subjecting their traditional or new products to further processing in order to minimize the marketing of raw, unfinished or unprocessed products;
- h) To adopt policies that will promote industry dispersal and rural industrialization by providing incentives to local and foreign investors to establish industries that have backward linkages to the country's agriculture and fisheries resource base;

- i) To provide social and economic adjustment measures that increase productivity and improve market efficiency while ensuring the protection and preservation of the environment and equity for small farmers and fisherfolk; and
- j) To improve the quality of life of all sectors.

SEC. 4. Definition of Terms.

Agrarian reform community is a barangay at the minimum or a cluster of contiguous barangays where there is a critical mass of farmers or farm workers and which features the main thrust of agrarian development land tenure improvement and effective delivery of support services.

Agricultural lands refers to lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of trees, raising of livestock, poultry, fish or aquaculture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations by persons whether natural or juridical and not classified by the law as mineral land, forest land, residential land, commercial land, or industrial land.

Agricultural land use conversion refers to the process of changing the use of agricultural land to non-agricultural uses.

Agricultural sector is the sector engaged in the cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry, or fish, including the harvesting and marketing of such farm products, and other farm activities and practices.

Agricultural mechanization is the development, adoption, manufacture and application of appropriate location-specific, and cost-effective agricultural technology using human, animal, mechanical, electrical and other non-conventional sources of energy for agricultural production and post-harvest operations consistent with agronomic conditions and for efficient and economic farm management.

Agriculture and fisheries modernization is the process of transforming the agriculture and fisheries sectors into one that is dynamic, technologically advanced and competitive yet centered on human development guided by the sound practices of sustainability and the principles of social justice.

Agro-processing activities refers to the processing of raw agricultural and fishery products into semi-processed or finished products which include materials for the manufacture for food and/or non-food products, pharmaceuticals and other industrial products.

Banks, collective used, means government banks and private banks, rural banks and cooperative banks.

Basic needs approach to development involves the identification, production and marketing of wage goods and services for consumption of rural communities.

Communal Irrigation System (CIS) is an irrigation system that is managed by a *bona fide* Irrigators Association.

Competitive advantage refers to competitive edge in terms of product quality and/or price. It likewise refer to the ability to produce a product with the greatest relative efficiency in the use of resources.

Cooperatives refers to duly registered associations of persons with a common bond of interest who have voluntarily joined together to achieve a lawful common social and economic end, making equitable contributions to the capital required and accepting a fair share of the risks and benefits of the undertaking in accordance with universally accepted cooperatives principles.

Department refers to the Department of Agriculture.

Economic scale refers to the minimum quantity of volume of goods required to be efficient.

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Economies of scale refers to the decrease in unit cost as more units are produced due to the spreading out of fixed costs over a greater number of units produced.

Empowerment involves providing authority, responsibility and information to people directly engaged in agriculture and fishery production, primarily at the level of the farmers, fisher folk and those engaged in food and non-food production and processing, in order to give them wider choices and enable them to take advantage of the benefits of the agriculture and fishery industries.

Extension services refers to the provision of training, information, and support services by the government and non-government organizations to the agriculture and fisheries sectors to improve the technical, business, and social capabilities of farmers and fisher folk.

Farmer's and fisherfolk's organizations or associations refer to farmers and fisherfolks cooperatives, associations or corporations duly registered with appropriate government agencies and which are composed primarily of small agricultural producers, farmers, farm workers, agrarian reform beneficiaries, fisher folk who voluntarily join together to form business enterprises or non-business organizations which they themselves own, control and patronize.

Farm-to-market roads refer to roads linking the agriculture and fisheries production sites, coastal landing points and post-harvest facilities to the market and arterial roads and highways.

Fisheries refers to all systems or networks of interrelated activities which include the production, growing, harvesting, processing, marketing, developing, conserving, and managing of all aquatic resources and fisheries areas.

Fisheries sector is the sector engaged in the production, growing, harvesting, processing, marketing, developing, conserving, and managing of aquatic resources and fisheries areas.

Fishing refers to the application of techniques using various gear in catching fish and other fisheries products.

Fishing grounds refers to areas in any body of water where fish and other aquatic resources congregate and become target of capture.

Food security refers to the policy objective, plan and strategy of meeting the food requirements of the present and future generations of Filipinos in substantial quantity, ensuring the availability and affordability of food to all, either through local production or importation, of both, based on the country's existing and potential resource endowment and related production advantages, and consistent with the over all national development objectives and policies. However, sufficiency in rice and white corn should be pursued.

Fresh agricultural and fishery products refers to agricultural and fisheries products newly taken or captured directly from its natural state or habitat, or those newly harvested or gathered from agricultural areas or bodies of water used for aquaculture.

Global competitiveness refers to the ability to compete in terms of price, quality and volume of agriculture and fishery products relative to those of other countries.

Gross value-added refers to the total value, excluding the value of non-agricultural or fishery intermediate inputs, of goods and services contributed by the agricultural and fisheries sectors.

Head works refers to the composite parts of the irrigation system that divert water from natural bodies of water such as river, streams, and lakes.

Industrial dispersal refers to the encouragement given to manufacturing enterprises to establish their plants in rural areas. Such firms normally use agricultural raw materials either in their primary or intermediate state.

Irrigable lands refers to lands which display marked characteristics justifying the operation of an irrigation system.

Irrigated lands refers to lands serviced by natural irrigation or irrigation facilities. These include lands where water is not readily available as existing irrigation facilities need rehabilitation or upgrading or where irrigation water is not available year-round.

Irrigation system refers to a system of irrigation facilities covering contiguous areas.

Irrigators' Association (IA) refers to an association of farmers within a contiguous area served by a National Irrigation System or Communal Irrigation System.

Land use refers to the manner of utilizing the land, including its allocation, development and management.

Land Use Plan refers to a document embodying a set of policies accompanied by maps and similar illustrations which represent the community-deserved pattern of population distribution and a proposal for the future allocation of land to the various land-using activities, in accordance with the social and economic objectives of the people. It identifies the location, character and extent of the area's land resources to be used for different purposes and includes the process and the criteria employed in the determination of the land use.

Land Use Planning refers to the act of defining the allocation, utilization, development and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and supportive of sustainable, economic, demographic, socio-cultural and environmental objectives as an aid to decision-making and legislation.

Main canal refers to the channel where diverted water from a source flows to the intended area to be irrigated.

Market infrastructure refers to facilities including, but not limited to, market buildings, slaughterhouses, holding pens, warehouses, market information centers, connecting roads, transport and communication and cold storage used by the farmers and fisher folk in marketing their produce.

National Information Network (NIN) refers to an information network which links all offices and levels of the Department with various research institutions and local end-users, providing easy access to information and marketing services related to agriculture and fisheries.

National Irrigation System (NIS) refers to a major irrigation system managed by the National Irrigation Administration.

Network of Protected Areas for Agricultural and Agro-industrial Development (NPAAAD) refers to agricultural areas identified by the Department through the Bureau of Soils and Water Management in coordination with the National Mapping and Resources Information Authority in order to ensure the efficient utilization of land for agriculture and Agro-industrial development and promote sustainable growth. The NPAAAD covers all irrigated areas, all irrigable lands already covered by irrigation projects with firm funding commitments; all alluvial plain land highly suitable for agriculture whether irrigated or not; Agro-industrial crop lands or lands presently planted to industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises, highlands, areas located at an elevation of 500 meters or above and have the potential for growing semi temperate and high-value crops; all agricultural lands that are ecological fragile, the conversion of which will result in serious environmental degradation, and mangrove areas and fish sanctuaries.

On-farm irrigation facilities refers to composite facilities that permit entry of water to paddy areas and consist of farm ditches and turnouts.

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Primary processing refers to the physical alteration of raw agricultural or fishery products with or without the use of mechanical facilities.

Post-harvest facilities includes, but are not limited to, threshing, drying, milling, grading, storing, and handling of produce and such other activities as stripping, winnowing, clipping and washing.

Post-harvest facilities includes, but are not limited to, threshers, moisture meters, dryers, weighing scales, milling equipment, fish ports, fish landings, ice plants and cold storage facilities, processing plants, warehouses, buying stations, market infrastructure and transportation facilities.

Premature conversion of agricultural land refers to the undertaking of any development activity, the results of which modify or alter the physical characteristics of the agricultural lands to render them suitable for non-agricultural purposes, without an approved order of conversion from the DAR.

Resource accounting refers to a tracking changes in the environment and natural resources biophysically and economically (in monetary terms).

Resource-based refers to the utilization of natural resources.

Rural industrialization refers to the process by which the economy is transformed from one that is predominantly agricultural to one that is dominantly industrial and service-oriented. Agriculture provides the impetus and push for industry and services through the market that it creates, the labor that it absorbs, and the income that it generates which is channeled to industry and services. As development continues, with agriculture still an important sector, industry and services begin to generate income and markets concomitantly increase their share of total income.

Strategic Agriculture and Fisheries Development Zones (SAFDZ) refers to the areas within the NAPAAD identified for production, Agro-Processing and marketing activities to help develop and modernize, either the support of government, the agriculture and fisheries sectors in an environmentally and socio-cultural sound manner.

Secondary canal refers to the channel connected to the main canal which distributes irrigation to specific areas.

Secondary processing refers to the physical transformation of semi-processed agricultural or fishery products.

Shallow Tube Well (STW) refers to a tube or shaft vertically set into the ground for the purpose of bringing ground water to the soil surface from a depth of less than 20 meters by suction lifting.

Small farmers and fisherfolk refers to natural person dependent on small-scale subsistence farming and fishing activities as their primary source of income.

Small and Medium Enterprise (SME) refers to any business activity or enterprise engaged in industry, agribusiness and/or services, whether single proprietorship, cooperative, partnership or corporation whose total assets, inclusive of those arising from loans but exclusive of the land on which the particular business entity's office, plan and equipment are situated, must have value falling under the following categories:

Micro	–	not more than P 1,500,000
Small	–	P 1,500,001 to P 15,000,000
Medium	–	P15,000,001 to P 60,000,000

The Department, in consultation with the Congressional Oversight Committee on Agricultural and Fisheries Modernization, may adjust the above values as deemed necessary.

Socioculturally sound means the consideration of the social structure of the community such as leadership pattern, distribution of roles across gender and age groups, the diversity of religion and other spiritual beliefs, ethnicity and cultural diversity of the population.

Technology-based refers to utilization of technology.

Zoning ordinance refers to a local legislation approving the development land use plan and providing for the regulations and other conditions on the uses of land including the limitation of the infrastructure that may be placed within the territorial jurisdiction of a city or municipality.

TITLE I

PRODUCTION AND MARKETING SUPPORT SERVICES

CHAPTER 1

STRATEGIC AGRICULTURAL AND FISHERIES DEVELOPMENT ZONES

SECTION 5. Declaration of Policy. – It is the policy of the State to ensure that all sectors of the economy and all regions of the country shall be given optimum opportunity to develop through the rational and sustainable use of resources peculiar to each area in order to maximize agricultural productivity, promote efficiency and equity and accelerate the modernization of the agriculture and fisheries sectors of the country.

SEC. 6. Network of Areas for Agricultural and Agro-Industrial Development. – The Department shall, within six months after the approval of this Act, and in consultation with the local government units, appropriate government agencies, concerned non-government organizations (NGOs) and organized farmers and fisherfolk groups, identify the Strategic Agriculture and Fisheries Development Zones (SAFDZ) within the network of protected areas for agricultural and agro-industrial development to ensure that lands are efficiently and sustainably utilized for food and non-food production and agro-industrialization.

The SAFDZ which shall serve as centers where development in the agriculture and fisheries sectors are catalyzed in an environmentally and socioculturally sound manner, shall be identified on the basis of the following criteria:

- a. Agro-climatic and environmental conditions giving the area as competitive advantage in the cultivation, culture, production and processing of particular crops, animals and aquatic products;
- b. Strategic location of the area for the establishment of agriculture or fisheries infrastructure, industrial complex, production and processing zones;
- c. Strategic location of the area for market development and market networking both at the local and international levels; and
- d. Dominant presence of agrarian reform communities (ARCs) and/or small owner-cultivators and amortizing owners/agrarian reform beneficiaries and other small farmers and fisherfolk in the area.

The SAFDZ shall have an integrated development plan consisting of production, processing, investment, marketing, human resources and environmental protection components.

SEC. 7. Model Farms. – The Department, in coordination with the local government units (LGUs) and appropriate government agencies, may designate agrarian reform communities (ARCs) and other areas within the SAFDZ suitable for economic scale production which will serve as model farm.

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Farmer-landowners whose lands are located within these designated areas shall be given the option to enter into a management agreement with corporate entities with proven competence in farm operations and management, high-end quality production and productivity through the use of up-to-date technology and collateral resources such as skilled manpower, adequate capital and credit, and access to markets, consistent with the existing laws.

Sec. 8. Mapping. – The Department, through the Bureau of Soils and Water Management (BSWM), in coordination with the National Mapping and Resource Information Authority (NAMRIA) and the Housing and Land Use Regulatory Board (HLURB) shall undertake the mapping of network of areas for agricultural and agro-industrial development for all municipalities, cities and an appropriate scale. The BSWM may call on other agencies to provide technical and other logistical support in this undertaking .

Sec. 9. Delineation of Strategic Agriculture and Fisheries Development Zones. – The Department, in consultation with the Department of Agrarian Reform, Department of Trade and Industry, Department of Environment and Natural Resources, Department of Science and Technology, the concerned LGU's, the organized farmers and fisher folk groups, the private sector and communities shall, without prejudice to the development of identified economic zones and free ports, establish and delineate, based on sound resource accounting, the SAFDZ within one year from the effectivity of this Act.

All irrigated lands, irrigable lands already covered by the irrigation projects with firm funding commitments, and land with existing or having the potential for growing high-value crops so delineated and included within the SAFDZ shall not be converted for a period of five years from the effectivity of this Act: *Provided, however,* That not more than 5 percent of the said lands located within the SAFDZ may be converted upon compliance with existing laws, rules, regulations, executive order and issuances, and administrative orders relating to land use conversion: *Provided, further,* That thereafter: (1) a review of the SAFDZ, especially in the productivity of the areas, improvement of the quality of life of farmers and fisher folk, and efficiency and effectiveness of the support services shall be conducted by the Department and the Department of Agrarian Reform, in coordination with the Congressional Oversight Committee on Agricultural and Fisheries Modernization; (2) conversion may be allowed, if at all, on a case-to-case basis subject to existing laws, rules, regulations, executive orders and issuances, and administrative orders governing land use conversion; (3) in case of conversion, the land owner will pay the Department the amount equivalent to the government's investment cost including inflation.

Sec. 10. Preparation of Land Use and Zoning Ordinance. – Within one year from the finalization of the SAFDZ, in every city and municipality, all cities and municipalities shall have prepared their respective land use and zoning ordinance incorporating the SAFDZ, where applicable. Thereafter, all land use plans and zoning ordinances shall be updated every four years or as often as may be deemed necessary upon the recommendation of the Housing and Land Use Regulatory Board and must be completed within the first year of the term of office of the mayor. If the cities/municipalities fail to comply with the preparation of zoning and land use plans, the DILG shall impose the penalty as provided for under Republic Act No.7160

Sec. 11. Penalty for Agricultural Inactivity and Premature Conversion. – Any person or juridical entity who knowingly or deliberately causes any irrigated agricultural lands 7 hectares or larger, whether contiguous or not, within the protected areas for agricultural development, as specified under Section 6 in relation to Section 9 of this Act, to lie idle and unproductive for a period exceeding one year, unless due to force majeure, shall be subject to an idle land tax of Three Thousand Pesos (P3,000) per hectare per year. In addition, the violator, shall be required to put back such lands to productive agricultural use. Should the continued agricultural inactivity, unless due to *force majeure*, exceed a period of two years, the land shall be subject to escheat proceedings.

Any person found guilty of premature or illegal conversion shall be penalized with imprisonment of two to six years, or a fine equivalent to 100 percent of the government's investment cost, or both, at the discretion of the court, and an accessory penalty of forfeiture of the land and any improvement thereon.

In addition, the DAR may impose the following penalties, after determining, in an administrative proceedings, that violation of this law has been committed:

- a. Consolation or withdrawal of the authorization for land use conversion; and
- b. Backlisting, or automatic disapproval of pending and subsequent conversion applications that they may file with the DAR.

SEC. 12. *Protection of Waterlines Areas.* – All watersheds that are sources of water for existing and potential irrigable areas and recharge areas of major aquifers identified by the Department of Agriculture and the Department of Environment and Natural resources shall be preserved as such at all times.

CHAPTER II

AGRICULTURAL AND FISHERIES MODERNIZATION PLAN

SECTION 13. *Agriculture and Fisheries Modernization Plan (AFMP).* – The Department, in consultation with the farmers and fisher folk, the private sector, NGOs, people's organizations and the appropriate government agencies and offices, shall formulate and implement a medium- and long-term comprehensive Agriculture and Fisheries Modernization Plan.

The Agriculture and Fisheries Modernization Plan shall focus on five major concerns:

- a. Food security;
- b. Poverty alleviation and social equity;
- c. Income enhancement and profitability, especially for farmers and fisher folk;
- d. Global competitiveness; and
- e. Sustainability.

SEC. 14. *Food Security , Poverty Alleviation, Social Equity and Income Enhancement.* – The Department, in coordination with other concerned departments or agencies, shall formulate medium-and long-term plans addressing food security, poverty alleviation, social equity and income enhancement concerns based on, but not limited to, the following goals and indicators of development:

- a. Increased income and profit of small farmers and fisherfolk;
- b. Availability of rice and other staple foods at affordable process;
- c. Reduction of rural poverty and income inequality;
- d. Reduction of the incidence of malnutrition;
- e. Reduction of rural unemployment and underemployment; and
- f. Improvement in land tenure of small farmers.

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Sec. 15. *Global Competitiveness and Sustainability.* - The Department shall formulate medium- and long-term plans aimed at enhancing the global competitiveness and sustainability of the country in agriculture and fisheries based on, but not limited to, the following goals and indicators of development:

- a. Increase in the volume, quality and value of agriculture and fisheries production for domestic consumption and for exports;
- b. Reduction in post-harvest losses;
- c. Increase in the number/types and quality of processed agricultural and fishery products;
- d. Increase in the number of international trading partners in agriculture and fishery products;
- e. Increase in the number of sustainable agriculture and fisheries firms engaged in domestic production, processing, marketing and export activities;
- f. Increase in and wider level of entrepreneurship among farmers and fisher folk in the area;
- g. Increase in the number of farms engaged in diversified farming; and
- h. Reduced use of agro-chemicals that are harmful to health and the environment.

SEC. 16. *Global Climate Change.* – The Department, in coordination with the Philippine Atmospheric, Geophysical and Astronomical Service Administration (PAGASA) and such other appropriate government agencies, shall devise a method of regularly monitoring and considering the effect of global climate changes, weather disturbances, and annual productivity cycles for the purpose of forecasting and formulating agriculture and fisheries production programs.

SEC. 17. *Special Concerns.* – The Department shall consider the following areas of concerns, among others in formulating the AFMP:

- a. Strategies and programs aimed to achieve growth and profitability targets in the context of the constraints and challenges of the World Trade Organization (WTO);
- b. Programs arising from the implementation of the Agrarian Reform Program;
- c. Identification of SAFDZ;
- d. Infrastructure and market support for the SAFDZ;
- e. Infrastructure support to make agriculture and fisheries production inputs, information and technology readily available to farmers, fisherfolk, cooperatives and entrepreneurs;
- f. Credit programs for small farmers and fisher folk, and agricultural graduates;
- g. Comprehensive and integrated agriculture and fisheries research, development and extension services;
- h. Preservation of biodiversity, genetic materials and the environment;
- i. Adequate and timely response against environmental threats to agriculture and fisheries;
- j. Rural non-farm employment;
- k. Access to aquatic resources by fisherfolk;
- l. Basic needs program for the impoverished sectors of society who will be affected by liberalization;
- m. Indigenous peoples;
- n. Rural youth;

- o. Women;
- p. Handicapped persons; and
- q. Senior citizens.

SEC. 18. *Monitoring and Evaluation.* – The Department shall develop the capability of monitoring the AFMP through a Program Benefit Monitoring and Evaluation System (PBMES). In addition, it can secure the services of independent consultants and external evaluators in order to assess its over-all impact. The Department shall make periodic reports to the Congressional Oversight Committee on Agriculture and Fisheries Modernization.

SEC. 19. *Role of Other Agencies.* – All units and agencies of the government shall support the Department in the implementation of the AFMP.

In particular, the Department of Public Works and Highways shall coordinate with the Department with respect to the infrastructure support aspect of the plan order to accomplish networking of related infrastructure facilities.

The Department of Interior and Local Government shall provide assistance to the Department in mobilizing resources under the control of local government units.

The Department of Trade and Industry, Agrarian Reform, Science and Technology, and Environment and Natural Resources shall coordinate their investment programs and activities to complement the Department’s implementation of the AFMP.

The Department of Education, Culture and Sports, the Technical Educational and Skills Development Authority, the Department of Health with the Department of Social Services and Development shall coordinate with the Department to determine the financial requirements of small farmers and fisherfolk to adjust to the effects of modernization as envisioned in the Agriculture and Fisheries Modernization Plan.

The Departments referred to above shall be required to identify in their budget proposals the allocation intended for the improvement of the environmental and other conditions affecting agriculture and fisheries.

Congressional initiatives shall also be coordinated by the Committee on Agriculture of both Houses to complement and enhance the programs and activities of the Department in the implementation of the AFMP.

CHAPTER III

CREDIT

SECTION 20. *Declaration of Policy.* – It is hereby declared the policy of the State to alleviate poverty and promote vigorous growth in the countryside through access to credit by small farmers, fisher folk, particularly the women involved in the production, processing and trading of agriculture and fisheries products and the small and medium scale enterprises (SMEs) and industries engaged in agriculture and fisheries.

Interest rates shall be determined by market forces, provided that existing credit arrangements with agrarian reform beneficiaries are not affected. Emphasis of the program shall be on proper management and utilization.

In this regard, the State enjoins the active participation of the banking sector and government financial institutions in the rural financial system.

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SEC. 21. Phase-out of the Directed Credit Programs (DCPs) and Provision for the Agro-Industry Modernization Credit and Financing Program (AMCFP). – The Department shall implement existing DCPs; however, the Department shall, within a period of four years from the effectivity of this Act, phase-out all DCPs and deposit all its loanable funds including those under the Comprehensive Agricultural Loan Fund (CALF) including new funds provided by this Act for the AMCFP and transfer the management thereof to cooperative banks, rural banks, government financial institutions and viable NGOs for the Agro-Industry Modernization Credit Financing Program (AMCFP). Interest earnings of the said deposited loan funds shall be reverted to the AMCFP.

SEC.22. Coverage. – An agriculture, fisheries and agrarian reform credit and financing system shall be designed for the use and benefit of farmers, fisher folk those engaged in food and non-food production, processing and trading, cooperatives, farmers/fisherfolks organization, and SMEs engaged in agriculture hereinafter referred to in this chapter as the “beneficiaries.”

SEC. 23. Scope of the Agro-Industry Modernization Credit and Financing Program (AMCFP). – The Agro-Industry Modernization Credit and Financing Program shall include the packaging and delivery of various credit assistance programs for the following:

- a. Agriculture and fisheries production including possessing of fisheries and agri-based products and farm inputs;
- b. Acquisition of work animals, farm and fishery equipment and machinery;
- c. Acquisition of seeds, fertilizer, poultry, livestock, feeds and other similar items;
- d. Procurement of agriculture and fisheries products for storage, trading, processing and distribution;
- e. Acquisition of water pumps and installation of tube wells for irrigation;
- f. Construction, acquisition and repair of facilities for production, processing, storage, transportation, communication, marketing and such other facilities in support of agriculture and fisheries;
- g. Working capital for agriculture and fisheries graduates to enable them to engage in agriculture and fisheries related economic activities;
- h. Agribusiness activities which support soil and water conservation and ecology enhancing activities;
- i. Privately funded and LGU-funded irrigation systems that are designed to protect the watershed;
- j. Working capital for long gestating projects; and
- k. Credit guarantees on uncollaterized loans to farmers and fisherfolks.

SEC. 24. Review of the Mandates of Land Bank of the Philippines Crop Insurance Corporation, Guarantee Fund for Small and Medium Enterprises, Quedan and Rural Credit Guarantee Corporation, Agricultural Credit Policy Council. – The Department of Finance shall commission an independent review of the charters and the respective programs of the Land Bank of the Philippines (LBP), Philippine Crop Insurance Corporation (PCIC), Guarantee Fund for Small and Medium Enterprises (GFSME), Quedan and Rural Credit Guarantee Corporation (Quendancor), and Agricultural Credit Policy Council (ACPC), and recommend policy changes and other measures to induce the private sectors participation in lending to agriculture and to improve credit access by farmers and fisherfolk: *Provided*, That agriculture and fisheries projects with long gestation period shall be entitled to a longer grace period in repaying the loan based on the economic life of the project.

The Land Bank of the Philippines, shall, in accordance with its original mandate, focus primarily on plans and programs in relation to the financing of agrarian reform and the delivery of credit services to the agriculture and fisheries sectors, especially to small farmers and fisherfolk.

The review shall start six months after the enactment of this Act. Thereafter, the review shall make recommendations to the appropriate Congressional Committees for possible legislative actions and to the Executive Branch for policy and program changes within six months after submission.

SEC. 25. Rationalization of Credit Guarantee Schemes and Funds. – All existing credit guarantee schemes and funds applicable to the agriculture and fishery sectors shall be rationalized and consolidated into an Agriculture and Fisheries Credit Guarantee Fund. The rationalization shall cover the credit guarantee schemes and funds operated by the Quedancor, the GFSME and the Comprehensive Agricultural Loan Fund. The Agriculture and Fisheries Credit Guarantee Fund shall be managed and implemented by the Quedancor: *Provided*, That representation to the Quedancor Board shall be granted to cooperatives, local government units and rural financial institutions: *Provided, further*, That credit guarantee shall be given only to small-scale agriculture and fisheries activities and to countryside micro-small, and medium enterprises. It may also cover loan guarantees for purchase orders and sales contracts.

The Agriculture and Fisheries Credit Guarantee Fund shall be funded by at least 10 percent of the funding allocation for the AMCFP.

CHAPTER IV

IRRIGATION

SECTION 26. Declaration of Policy. – It is the policy of the State to use its natural resources rationally and equitably. The state shall prevent the further destruction of watersheds, rehabilitate existing irrigation systems and promote the development of irrigation systems that are effective, affordable, appropriate, and efficient.

In the choice of location-specific irrigation projects, the economic principle of comparative advantage shall always be adhered to.

SEC. 27. Research and Development. – Irrigation Research and Development shall be pursued and priority shall be given to the development of effective, appropriate, and efficient irrigation and water management technologies.

The Department shall coordinate with the Department of Environment and Natural Resources concerning the preservation and rehabilitation of watersheds to support the irrigation systems.

SEC. 28. Criteria for Selection of Irrigation Development Scheme. – The Selection of appropriate scheme of irrigation development shall be location-specific and based on the following criteria:

- a. Technical feasibility;
- b. Cost-effectiveness;
- c. Affordability, low investment cost per unit area;
- d. Sustainability and simplicity of operation;
- e. Recovery of operation and maintenance cost;
- f. Efficiency in water use;
- g. Length of gestation period; and

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h. Potential for increasing unit area productivity.

All irrigation projects shall, in addition to the criteria enumerated above, be subjected to a social cost-benefit analysis.

SEC. 29. *Simplified Public Bidding.* – The construction, repair, rehabilitation, improvement, or maintenance of irrigation projects and facilities shall follow the Commission on Audit (COA) rules on simplified public bidding.

Irrigation projects undertaken by farmers, farmer’s organizations and other private entities whose funding is partly or wholly acquired by way of loan from government financial institutions shall not be subject to the bidding requirements of the government.

SEC. 30. *National Irrigation Systems (NIS).* – The National Irrigation Administration (NIA) shall continue to plan, design, develop, rehabilitate, and improve the NIS. It shall continue to maintain and operate the major irrigation structures including the head works and main canals.

In addition, the NIA is mandated to gradually turn over operation and maintenance of the National Irrigation System’s secondary canals and on-farm facilities to Irrigators’ Associations

SEC. 31. *Communal Irrigation Systems (CIS).* – The Department shall, within five years from the effectivity of this Act, devolve the planning, design and management of CISs, including the transfer of NIA’s assets and resources in relation to the CIS, to LGUs. The budget for the development, construction, operation and maintenance of the CIS and other types of irrigation systems shall be prepared by and coursed through the LGUs. The NIA shall continue to provide technical assistance to the LGUs even after complete devolution of the Irrigation System to the LGUs, as may be deemed necessary.

SEC. 32. *Minor Irrigation Schemes.* – The Department shall formulate and develop a plan for the promotion of a private sector-led development of minor irrigation systems, such as Shallow Tube Wells (STWs), Low-Lift Pumps (LLPs) and other inundation systems. The plan shall be included in the Short-term Agriculture and Fisheries Modernization Plan.

SEC. 33. *Other Irrigation Construction Schemes.* – The Government shall also encourage the construction of irrigation facilities through other viable schemes for the construction of irrigation such as build-operate-transfer, build-transfer and other schemes that will fast-track the development of irrigation systems.

SEC. 34. *Guarantee of the National Government.* – To make build-operate-transfer (BOT) projects for irrigation attractive to proponents, the national government shall issue the need payment guarantee for BOT projects which shall answer for default of the National Irrigation Administration. Such amounts needed to answer for the payment guarantee is hereby to be appropriated.

SEC. 35. *Irrigation Service Fees (ISF).* – Upon effectivity of this Act, the NIA shall immediately review the ISF rates and recommend to the Department reasonable rates within six months from the effectivity of this Act.

SEC. 36. *Monitoring and Evaluation.* – The Department shall monitor the implementation of research and development programs and irrigation projects. The Department shall review all existing irrigation systems every four years, to determine their viability or ineffectiveness. The Department shall employ the services of independent evaluators to assess the overall impact of the country’s irrigation development .

SEC. 37. Exemption from Election Ban. – The repair, maintenance and rehabilitation of irrigation facilities as well as BOT irrigation projects shall be exempted from the scope of the election ban on public works.

CHAPTER V

INFORMATION AND MARKETING SUPPORT SERVICE

SECTION 38. Declaration of Policy. – It is hereby declared the policy of the State to empower Filipino farmers and fisherfolk, particularly the women, involved in agriculture and fisheries through the provision of timely, accurate and responsive business information and efficient trading services which will link them to profitable markets for their products. They shall likewise be given innovative support toward the generation of maximum income through assistance in marketing.

SEC. 39. Coverage.– A market information system shall be installed for the use and benefit of, but not limited to, the farmers and fisher folk, cooperatives, traders, processors, the LGUs and the Department.

SEC. 40. The Marketing Assistance System. – The Department shall establish a National Marketing Assistance Program that will immediately lead to the creation of a national marketing umbrella in order to ensure the generation of the highest possible income for the farmers and fisher folk or groups of farmers and fisher folk, matching supply and demand in both domestic and foreign markets.

SEC. 41. National Information Network. – A National Information Network (NIN) shall be set up from the Department level down to the regional, provincial and municipal offices within one year from the approval of this Act taking into account existing information networks and seems.

The NIN shall likewise link the various research institutions for easy access to data on agriculture and fisheries research and technology. All departments, agencies, bureaus, research institutions, and local government units shall consolidate and continuously update all relevant information and data on a periodic basis and make such data available on the Internet.

Sec. 42. Information and Marketing Service.– The NIN shall provide information and marketing services related to agriculture and fisheries which shall include the following:

- a. Supply data;
- b. Demand data
- c. Price and price trends;
- d. Product standards for both fresh and processed agricultural and fisheries projects;
- e. Directory of, but not limited to cooperatives, traders, key market centers, processors and business institutions concerned with agriculture and fisheries at the provincial and municipal levels;
- f. Research information and technology generated from research institutions involved in agriculture and fisheries;
- g. International, regional and local market forecasts; and
- h. Resource accounting data.

SEC. 43. Initial Set-up. – The Department shall provide technical assistance in setting up the NIN at the local level through the cooperatives and the LGUs: *Provided* , That at the local level, a system that will

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make marketing information and services related to agriculture and fisheries will be readily available in the city/municipal public market for the benefit of the producers, traders and consumers.

SEC. 44. Role of Government Agencies. – The Bureau of Agricultural Statistics will serve as the central information server and will provide technical assistance to end-users in accessing and analyzing product and market information and technology.

The Department of Transportation and Communications shall provide technical and infrastructure assistance to the Department in setting up the NIN.

LGUs shall coordinate with the Department for technical assistance in order to accelerate the establishment and training of information end-users in their respective jurisdictions.

The Cooperative Development Authority shall coordinate with the Department for technical assistance in order to provide training assistance to cooperatives in the use and analysis of market information and technology.

SEC. 45. Role of Private Sector. – The NIN shall likewise be accessible to the private sector engaged in agriculture and fisheries enterprises. The Department shall formulate guidelines and determine fees for private sector entities that use the NIN.

CHAPTER VI

OTHER INFRASTRUCTURE

SECTION 46. Agriculture and Fisheries Infrastructure Support Services. – The Department of Public Works and Highways, the Department of Transportation and Communications, the Department of Trade and Industry and the LGUs shall coordinate with the Department to address the infrastructure requirements in accordance with this Act: *Provided*, That the Department and the LGUs shall also strengthen its agricultural engineering groups to provide the necessary technical and engineering support in carrying out the smooth and expeditious implementation of agricultural infrastructure projects.

SEC. 47. Criteria for Prioritization. – The prioritization of government resources for rural infrastructure shall be based on the following criteria:

- a. Agro-industrial potential of the area;
- b. Socioeconomic contributions of the investments in the area;
- c. Absence of public investments in the area; and
- d. Presence of agrarian reform beneficiaries and other small farmers and fisher folk in the area.

SEC. 48. Public Infrastructure Facilities. – Public Infrastructure investments shall give preference to the kind, type, and model of infrastructure facilities that are cost-effective and will be useful for the production, conservation, and distribution of most commodities and should benefit the most number of agriculture and fisheries producers and processors.

SEC. 49. Private Infrastructure Facilities. – For infrastructure facilities primarily benefiting private investors, the State shall facilitate the purchase and use of such utilities and shall keep to the minimum the bureaucratic requirements for these types of investments. Private investors include cooperatives or corporations of agriculture and fisheries producers and processors.

SEC. 50. *Public Works Act.* – The Department of Public Works and Highways shall coordinate with the Department for the purpose of determining the order of priorities for public works funded under the Public Works Act directly or indirectly affect agriculture and fisheries.

SEC. 51. *Fishports, Seaports and Airports.* – The Department of Transportation and Communications, Philippine Ports Authority and Philippine Fisheries Development Authority shall coordinate with the Department for the purpose of determining priority fishports, seaports and airports and facilitating the installation of bulk-handling and storage facilities, and other post-harvest facilities needed to enhance the marketing of agriculture and fisheries products: *Provided*, That fishports, seaports and airports are also equipped with quarantine, sanitary and phytosanitary centers. The Department of Transportation and Communications (DOTC) shall have the mandate to cancel arrastre and cargo handling franchises among operators whom it deems inefficient and/or ineffective owing, but not limited to, a past history of under capitalization, lack of equipment and lack of professional expertise. The DOTC shall recommend to the Philippine Ports Authority and consult with ship-operators in assessing the cargo-handling capabilities of cargo operators prior to extending new franchises or awards.

SEC. 52. *Farm-to-Market Roads.* – The Department shall coordinate with the LGUs and the resident-farmers and fisher folk in order to identify priority locations of farm-to-market roads that take into account the number of farmer and fisherfolk and their families who shall benefit therefrom and the amount, kind and importance of agricultural and fisheries products produced in the area. Construction of farm-to-market roads shall be a priority investment of the LGUs which shall provide a counterpart of not less than 10 percent of the project cost subject to their IRA in the area.

SEC. 53. *Rural Energy.* – The Department shall coordinate with the Department of Energy (DOE), the Department of Public Works and Highways (DPWH), the National Electrification Administration (NEA) and the National Power Corporation (NAPOCOR) for the identification and installation of appropriate types of energy sources particularly in the use of non-conventional energy sources for the locality in order to enhance agriculture and fisheries development in the area.

SEC. 54. *Communications Infrastructure.* – The Department shall coordinate with the DOTC to facilitate the installation of telecommunication facilities in priority areas, in order to enhance agriculture and fisheries development.

SEC. 55. *Water Supply System.* – the Department shall coordinate with the DPWH and the LGUs for the identification and installation of water supply system in the locality for agro-industrial uses to enhance agriculture and fisheries development in the area.

SEC. 56. *Research and Technology Infrastructure.* – The Department in coordination with other government agencies shall give priority and facilitate the funding of infrastructure necessary for research ventures such as farm laboratories and demonstration farms with state colleges and universities that derive their core funds from the Department.

SEC. 57. *Post-Harvest Facilities.* – The Department shall coordinate with the Bureau of Post-Harvest for Research and Extension and the Post-Harvest Horticulture, Training and Research Center of the University of the Philippines-Los Baños, to identify appropriate post-harvest facilities and technology needed to enhance agriculture and fisheries development in the area.

SEC. 58. *Public Market and Abattoirs.* – The Department shall encourage the LGUs to turn over the management and supervision of public markets and abattoirs to market vendors' cooperatives and for

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that purpose, the appropriation for post-harvest facilities shall include the support for market vendors' cooperatives.

The Department shall coordinate with the LGUs in the establishment of standardized market systems and use of sanitary market facilities, and abattoirs, intended to ensure the food safety and quality.

All markets shall have a sanitation unit, proper and adequate drainage and sewerage system, ample water supply, public toilets with lavatories, garbage receptacles, ice plants and cold storage, adequate lighting and ventilation and supply of electricity to ensure cleanliness and sanitation. Price monitoring bulletin boards for selected commodities and weighing scales accessible to the public shall also be established.

Proper protection and preservation of agriculture and fisheries products being sold in the market shall also be observed. All foods which require no further cooking shall be wrapped, covered, or enclosed in containers to preserve the freshness and prevent contamination. Selling of products on market floors shall be prohibited.

SEC. 59. *Agricultural Machinery.* – The Department shall give priority to the development and promotion of appropriate agricultural machinery and other agricultural mechanization technologies to enhance agricultural mechanization in the countryside.

CHAPTER VII

PRODUCTS STANDARDIZATION AND CONSUMER SAFETY

SECTION 60. *Declaration of Policy.* – It is the policy of the State that all sectors involved in the production, processing, distribution and marketing of food and non-food agricultural and fisheries products shall adhere to, and implement the use of product standards in order to ensure consumer safety and promote the competitiveness of agriculture and fisheries products.

SEC. 61. *Bureau of Agriculture and Fisheries Product Standards.* – The Department, within six months after the approval of this act, and in consultation with the Department of Trade and Industry and the Bureau of Food and Drug, shall establish the Bureau of Agriculture and Fisheries Product Standards (BAFPS).

SEC. 62. *Coverage.* – The BAFPS shall set and implement standards for fresh, primary- and secondary-processed agricultural and fishery products.

SEC. 63. *Powers and Functions.* – The BAFPS shall have the following powers and functions:

- a. Formulate and enforce standards of quality in the processing, preservation, packaging, labeling, importation, exportation, distribution, and advertising of agricultural and fisheries products;
- b. Conduct research on product standardization, alignment of the local standards with the international standards; and
- c. Conduct regular inspection of processing plants, storage facilities, abattoirs, as well as public and private markets in order to ensure freshness, safety, and quality of products.

SEC. 64. *Pool of Experts and Advisers.* – The BAFPS may coordinate, seek the services of, and consult with both private and governmental agencies, research institute, educational establishments and such other individuals and entities with expertise in the field of product standards and consumer safety.

The Department of Trade and Industry, the Food and Nutrition Research Institute, and the Bureau of Food and Drug Administration shall provide technical advice and form part of the pool of experts/advisers of the BAFPS.

TITLE 2

HUMAN RESOURCE DEVELOPMENT

SECTION 65. Declaration of Policy. – It is hereby declared the policy of the State to give priority to education and training on science and technology in order to accelerate social progress and promote total human liberation and development.

The State shall promote industrialization and full employment, based on sound agriculture and fisheries development and agrarian reform, through industries that make full and efficient use of human and natural resources.

SEC. 66. National Agriculture and Fisheries Education System (NAFES). – The Commission on Higher Education (CHED), in coordination with the Department and appropriate government agencies, shall establish a National Agriculture and Fisheries Education System (NAFES) which shall have the following objectives:

- a. To establish, maintain and support a complete and integrated system of agriculture and fisheries education relevant to the needs of the economy, the community and society.
- b. To modernize and rationalize agriculture and fisheries education from the elementary to the tertiary levels;
- c. To unify, coordinate, and improve the system of implementation of academic programs that are geared toward achieving agriculture and fisheries development in the country; and
- d. To upgrade the quality, ensure sustainability and promote the global competitiveness, at all levels, of agriculture and fisheries education.

SEC. 67. Education Program for Elementary and Secondary Levels. – There is hereby established an Agriculture and Fisheries Education Program, under the NAFES specially designed for elementary and secondary levels. The program shall be formulated, organized and implemented by the DECS with the following objectives:

- a. to develop appropriate values that form the foundation for sustained growth in agriculture and fisheries modernization.
- b. to increase the attractiveness of agriculture and fisheries education, so that more young and talented person will look at agriculture and fisheries as an acceptable option for career and livelihood;
- c. to promote appreciation of science in agriculture and fisheries development;
- d. to develop among students, positive attitudes towards entrepreneurship and global competition in the agriculture and fisheries business;
- e. to improve the present curriculum in the elementary and secondary levels by emphasizing the core values necessary for agriculture and fisheries modernization; and
- f. to develop an outreach program where students, parents and schools become instruments in effecting positive changes in the pupil's home and community.

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SEC. 68. *Post-Secondary Education Program.* – There is hereby established a Post-Secondary Education Program for Agriculture and Fisheries under the NAFES, which shall be formulated and developed by TESDA in coordination with the appropriate government agencies and the private sector. The program shall include, among others, the following:

- a. a mechanism for a flexible process of curriculum development;
- b. integration of the dual training system in the various agricultural curricula and training programs;
- c. integration of entrepreneurship and global competitiveness in the agro-fisheries curricula;
- d. institutionalizing agriculture and fisheries skills standards and technical testing and certification;
- e. regular upgrading of learning/training facilities, school buildings, laboratory equipment; and
- f. development of a system for the strict enforcement of school regulations regarding standards and requirements.

SEC. 69. *Network of National Centers of Excellence for Territory Education.* – There is hereby established a Network of National Centers of Excellence in Agriculture and Fisheries Education, composed of qualified public and private colleges and universities, duly accredited as National Centers of Excellence (NCE) in the field of agriculture and fisheries.

For this purpose, the CHED shall formulate and implement a system of accreditation: *Provided*, That not more than one provincial institute in every province and no more than one national university in each field in every region shall be accredited as such: and *Provided, further*, That the system shall be based on the following criteria:

- a. institutional accessibility, population, economic contribution of agriculture and fisheries in the community, and the needs or unique requirements of the area;
- b. quantity and quality of research studies conducted;
- c. degree of utilization of research results;
- d. quantity and quality of faculty members;
- e. type of facilities;
- f. linkage with international organizations; and
- g. potential contribution to agriculture and fisheries development in the target area.

SEC. 70. *Rationalization Plan.* – For the purpose of upgrading and maintaining a high degree of academic excellence in the fields of agriculture and fisheries, all existing public and private colleges and universities that are not hereinafter designated and accredited as centers of excellence shall be given adequate time to redirect its program to non-agriculture and/or non-fisheries areas needed by the province or region and/or merge their program with accredited NCEs in accordance with the Rationalization Plan to be jointly formulated by CHED and the Philippine Association of State Universities and Colleges (PASUC) upon consultation with the institution concerned.

The Rationalization Plan shall include a policy for the effective utilization of affected personnel and facilities, and shall not be construed as to result in the decrease of the budget allocation for the state universities and colleges concerned.

SEC. 71. *Counterpart Funding from LGUs.* – The LGUs shall, within two years from the effectivity of this Act, provide at least 10 percent of the Maintenance and Other Operating Expenses (MOOE) budget for the operation of the provincial institutes within their area of responsibility.

In consultation with the LGUs, the CHED shall develop a provincial-national partnership scheme for a reasonable sharing of financial support taking into account social equity factors for poor provinces.

SEC. 72. National Integrated Human Resource Development Plan in Agriculture and Fisheries. – The CHED, in coordination with the Department and appropriate government agencies, shall formulate, develop and implement an integrated human resource development plan in agriculture and fisheries which shall serve as an instrument that will provide over-all direction in setting priorities in curricular programs, enrollment, performance targets, and investment programs.

SEC. 73. Output-Oriented Performance Standards. – In order to ensure the institutional accountability, efficiency, and quality, there shall be formulated and developed an Output-Oriented Performance Standards which shall serve as the primary instrument for institutional evaluation.

For this purpose, all public and private universities and colleges, that are designated as centers of excellence, shall cause to be installed a computerized monitoring and evaluation system that periodically collects and regularly measures variables indicating institutional performance based on the Output-Oriented Performance Standards.

SEC. 74. Evaluation System. – Not later than one year from the effectivity of this Act, the CHED shall establish a baseline information using the Output-Oriented Performance Standards referred to in Section 73 of this Title. Once every five years thereafter, all designated NCEs in agriculture and fisheries shall be subject to a third party evaluation.

The evaluation shall include, among others, management and educational experts of national stature and representatives of key sectors of the agriculture and fisheries industries, as well as representatives of the Department, the Department of Environment and Natural Resources, the Department of Science and Technology, and the National Economic and Development Authority.

SEC. 75. Agriculture and Fisheries Board. – There shall be created an Agriculture and Fisheries Board in the Professional Regulation Commission to upgrade the Agriculture and Fisheries profession.

Those who have not passed the Civil Service Examination for Fisheries and Agriculture but have served the industry in either private or public capacity for not less than five years shall be automatically granted eligibility by the Board of Examiners.

The first board of examination for B.S. Fisheries and/or Agriculture Graduates shall be conducted within one year from the approval of this Act.

SEC. 76. Continuing Agriculture and Fisheries Education Program. – The Commission on Higher Education, the Department of Education, Culture and Sports and Technical Education and Skills Development Authority, in coordination with the Department and the public and private universities and colleges, shall formulate and develop a National and Integrated Continuing Agriculture and Fisheries Education Program, which shall address the current education and training requirements of teachers, professors and educators in agriculture and fisheries.

For this purpose, pre-service and in-service training of teachers in Home Economics Livelihood Education (HELE) for the primary level and Technology and Home Economics (THE) for the Secondary level, shall be upgraded.

SEC. 77. Scholarship Program. – The CHED in coordination with the public and private universities and colleges, TESDA and the DBM, shall develop a national scholarship program that provides opportunities

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for deserving academic staff to pursue advanced degrees in agriculture and fisheries. Where appropriate, such scholarship program shall also provide opportunities for graduate work in foreign universities.

SEC. 78. Merit System. – To promote the development of scientific excellence and academic scholarship, the public and private universities and colleges, in cooperation with the CHED and the DBM, shall institute an output-oriented unified system of promotion for the academic personnel.

SEC. 79. Budgetary Allocation Scheme. – The Budgetary Allocation Scheme for NAFES shall be as follows:

- a. The current appropriation or budgets of state universities and colleges, that are herein designate as NCEs, shall continue and shall be modified and adjusted in succeeding years in order to meet the standards of the rationalized programs of the institutions as approved by Congress and shall be included in the annual General Appropriations Act;
- b. NCEs that are created under this Act shall likewise be provided with budgetary support based on their programs and new staffing pattern as approved by DBM and shall be included in the annual General Appropriations Act.

TITLE 3

RESEARCH DEVELOPMENT AND EXTENSION

CHAPTER I

RESEARCH AND DEVELOPMENT

SECTION 80. Declaration of Policy. – It is hereby declared the policy of the State to promote science and technology as essential for national development and progress.

The State shall likewise give priority to research and development, invention, innovation, and their utilization and to science and technology education, training, and services. In addition to appropriate and relevant technology, the state shall support indigenous and self-reliant scientific and technological capabilities, and their application to the country's productive system and national life.

SEC. 81. The National Research and Development System in Agriculture and Fisheries.– The Department, in coordination with the Department of Science and Technology and other appropriate agencies and research institutions shall enhance, support and consolidate the existing National Research and Development System in Agriculture and Fisheries within six months from the approval of this Act: *Provided*, That fisheries research and development shall be pursued separately, from but in close coordination with that of agriculture.

SEC. 82. Special Concerns in Agriculture and Fisheries Research Services. – Agriculture and Fisheries Research and Development activities shall be multidisciplinary and shall involve farmers, fisherfolk and their organizations, and those engaged in food and non-food production and processing including the private and public sectors.

Research institutions and centers shall enjoy autonomy and academic freedom. The Department, in collaboration with the Department of Science and Technology and other appropriate agencies, shall harmonize its merit and output-oriented promotion system governing the scientific community in order to promote increased research excellence and productivity and provide the government research system a competitive edge in retaining its scientific personnel.

Appropriate technology shall be used to protect the environment, reduce cost of production, improve product quality and increase value-added for global competitiveness.

SEC. 83. Funds for Research and Development. – Considering the nature of research, development and extension activities, funding shall be based on the following guidelines:

- a. Allocation of multi year budgets which shall be treated as research and development grants.
- b. The budget for agriculture and fisheries research and development shall be at least 1 percent of the gross value added (GVA) by year 2001 allocating at least 1 percent of the total amount by 1999. The Department of Finance (DOF) in consultation with the Department shall formulate revenue enhancement measures to fund this facility.
- c. At least 20 percent shall be spent in support of basic research and not more than 80 percent shall be used for applied research and technology packaging and transfer activities.
- d. A science fund shall be established from which the scientific community in agriculture and fisheries shall draw its financial resource for sustained career development: *Provide*, That only the interest earnings of the funds shall be used.

The Department and other research agencies, in the national interest, are encouraged to go into co-financing agreements with the private sector in the conduct of research and development provided that the terms and conditions of the agreement are beneficial to the country.

SEC. 84. Excellence and Accountability in Research and Development. – The Department, in collaboration with the Department of Science and Technology and other appropriate government agencies, shall formulate the national guidelines in evaluating research and development activities and institutions, which shall involve an independent and interdisciplinary team of collegial reviewer and evaluators.

SEC. 85. Communication of Research Results and Research-Extension Linkage. – Research information and technology shall be communicated through the National Information Network (NIN).

All government agencies including the state colleges and universities and private educational institutions selected as NCEs shall be computerized, networked, provided with regular updated information and shall likewise provide, through the NIN results of research and development activities and current available technology relating agriculture and fisheries.

CHAPTER II

EXTENSION SERVICES

SECTION 86. Declaration of Policy. – It is hereby declared the policy of the State to promote science and technology as essential for national development and progress. The State shall give priority for the utilization of research results through formal and non-formal education, extension, and training services. It shall support the development of a national extension system that will help accelerate the transformation of Philippine agriculture and fisheries from a resource-based to a technology-based industry.

SEC. 87. Extension Services. – Agriculture and Fisheries extension services shall cover the following major services to the farming and fishing community:

- a. Training services;
- b. Farm or business advisory services;

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- c. Demonstration services; and
- d. Information and communication support services through tri-media.

SEC. 88. *Special Concerns in the Delivery of Extension Services.* – The delivery of agriculture and Fisheries Extension Services shall be multidisciplinary and shall involve the farmers, fisherfolk, and their organizations and those engaged in food and non-food production and processing, including the private and public sectors.

There shall be a national merit and promotion system governing all extension personnel, regardless of source of funding, to promote professionalism and achieve excellence and productivity in the provision of the government extension services.

SEC. 89. *The National Extension System for Agriculture and Fisheries (NESAF).* – The Department in coordination with the appropriate government agencies, shall formulate a National Extension System for Agriculture and Fisheries.

The National Extension System for Agriculture and Fisheries shall be composed of three subsystems:

- a. the national government subsystem which directly complements;
- b. The local government subsystems; and
- c. the private sector subsystem.

SEC. 90. *The Role of Local Government Units.* – The LGUs shall be responsible for delivering direct agriculture and fisheries extension services.

The provincial governments shall integrate the operations for the agriculture extension services and shall undertake an annual evaluation of all municipal extension programs.

The extension program of state colleges and universities shall primarily focus on the improvement of the capability of the LGU extension service by providing:

- a) Degree and non-degree training programs;
- b) Technical assistance;
- c) Extension cum research activities;
- d) Monitoring and evaluation of LGU extension projects; and
- e) Information support services through the tri-media and electronics.

SEC. 91. *Role of the Private Sector in Extension.* – The department shall encourage the participation of farmers and fisherfolk cooperatives and associations and others in the private sector in the training and other complementary extension services especially in community organizing, use of participatory approaches, popularization of training materials, regenerative agricultural technologies, agri-business and management skills.

The Department is hereby authorized to commission and provide funding for such training and extension services undertaken by the private sector.

SEC. 92. *The Role of Government Agencies.* – The Department, together with state colleges and universities shall assist in the LGU's extension system by improving their effectiveness and efficiency through capability-building and complementary extension activities such as:

- a) technical assistance;
- b) training of LGU extension personnel;
- c) improvement of physical facilities;
- d) extension cum research; and
- e) information support services.

SEC. 93. *Funding for Extension Activities.* – Extension activities shall be supported by the following measures:

- a) allocation of multi year budgets that shall be treated as grants;
- b) allow transfer of funds from the Department to the local government units as extension grants, and
- c) the budget for agriculture and fisheries extension services shall be at least 1 percent of the gross value added (GVA) by year 2001.

SEC. 94. *Excellence and Accountability in Extension.* – The Department shall formulate the guidelines in evaluating extension, activities, and institutions, which shall involve an independent and interdisciplinary team of the collegial reviewers and evaluators.

SEC.95. *Extension Communication Support for LGU's.* – The Department in coordination with the public and private universities and colleges, shall develop an integrated multimedia support for national and LGU extension programs. The Department shall assist the LGU's in the computerization of communication support services to clients and linkages to the NIN.

TITLE 4

RURAL NON-FARM EMPLOYMENT

CHAPTER I

SECTION 96. *Declaration of policy.* – It is hereby declared the policy of the State to promote full employment. Economic history, however, shows that as an economy modernizes the number of workers employed in its agricultural sector declines. It is therefore necessary to formulate policies and implement programs that will employ workers efficiently in rural areas in order to improve their standard of living, and reduce their propensity to migrate to urban areas.

SEC. 97. *Objectives.* – Rural non-farm employment aims to:

- a) promote a basic needs approach to rural development;
- b) make rural workers more adaptable and flexible through education and training;
- c) promote rural industrialization and the establishment of agro-processing enterprises in rural communities; and
- d) increase the income of rural workers.

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CHAPTER II

THE BASIC NEEDS PROGRAM

SECTION 98. Principles. – The Department, in coordination with the appropriate government agencies, shall formulate the Basic Needs Program to create employment and cushion the effects of liberalization based on the following principles:

- a) No credit subsidies shall be granted. The normal rules of banking shall apply to all enterprises involved, provided that existing credit arrangements with ARBs shall not be affected.
- b) Enterprises can use training, information, advisory and related services of the Government free of charge.
- c) The participation of the private sector shall be voluntary.

Teams composed of specialists from government agencies and the private sectors shall develop pilot programs in selected locales to establish the planning, implementation and evaluation procedures.

SEC. 99. Participation of Government Agencies. – The replication of the program shall be the responsibility of the local government units concerned in collaboration with the appropriate government agencies, and the private sector. The local government units shall bear the costs of promoting and monitoring the basic needs program for which their IRA shall be increased accordingly as recommended by the Secretary of the Department: *Provided*, That the appropriate national government agencies shall continue to provide the necessary technical as well as financial assistance to the LGUs in the replication of the program.

The Cooperatives Development Authority shall encourage the establishment and growth of associations and cooperatives as vehicles for the stable expansion of basic needs enterprises.

The Department of Education, Culture and Sports, Department of Health, and the Technical Education and Skills Development Authority shall coordinate with the Department and Congress in the review, rationalization and reallocation of their regular budgets as well as their budgets under the GATT-related measures fund to finance education, training, health and other welfare services for farmers and fisherfolk.

CHAPTER III

RURAL INDUSTRIALIZATION INDUSTRY DISPERSAL PROGRAM

SECTION 100. Principles.– Rural industrialization and industry dispersal programs shall be based on the interplay of market forces. The Board of Investments (BOI) is hereby required to give the highest priority to the grant of incentives to business and industries with linkages to agriculture.

SEC. 101. Role of Government Agencies. – The appropriate government agencies, under the leadership of the LGUs concerned, shall provide integrated services and information to prospective enterprises under the one-stop-shop concept.

Local government units are authorized to undertake investment and marketing missions provided that the costs of such missions are borne by the LGUs concerned. In making their land use plans, the LGUs, in consultation with the appropriate government agencies concerned, shall identify areas for industrial parks.

The Department shall coordinate with the Department of Trade and Industry, in particular, the Board of Investments, in the formulation of investments priorities for rural areas.

The Regional Wage Boards shall consult participating enterprises in this program before they issue wage orders.

SEC. 102. *Participating Enterprises.* – Participating enterprises may request any government agency for training, technical and advisory services free of cost.

A set of incentives shall be given to enterprises that subcontract part of their production to farmers, fisherfolk and landless workers during periods when they are not engaged in agricultural activities.

SEC. 103. *Financing.* – Except for basic infrastructure and other goods that benefit all citizens, the facilities of this program should be undertaken and financed by the private sector.

CHAPTER IV

TRAINING OF WORKERS

SECTION 104. *Role of TESDA.* – TESDA shall organize local committees that will advise on the scope, nature and duration of training for the abovementioned programs.

TESDA is authorized to request the additional budgetary resources for these programs: *Provided*, That after a reasonable period, the task of coordinating the training is transferred to the LGUs concerned.

SEC. 105. *Role of the DENR.* – The Department and the DENR shall organize the training of workers in coastal resources management and sustainable fishing techniques.

SEC. 106. *Role of the Technology and Livelihood Resource Center (TLRC).* – The TLRC shall undertake field training in entrepreneurship and management of workers involved in the basic needs program.

SEC. 107. *Special Training Projects for Women.* – The Department, in collaboration with the appropriate government agencies concerned shall plan and implement special training projects for women for absorption in the basic needs and rural industrialization programs.

TITLE 5

TRADE AND FISCAL INCENTIVES

SECTION 108. Taxation policies must not deter the growth of value-adding activities in the rural areas.

SEC. 109. All enterprises engaged in agriculture and fisheries as duly certified by the Department in consultation with the Department of Finance and the Board of Investment, shall, for five years after the effectivity of this Act, be exempted from the payment of tariff and duties for the importation of all types of agriculture and fisheries inputs, equipment and machinery such as, but not limited to, fertilizer, insecticide, pesticide, tractor, trailers, trucks, farm implements and machinery, harvesters, threshers, hybrid seeds, genetic materials, sprayers, packaging machinery and materials, bulk-handling facilities such as conveyors and mini loaders, weighing scales, harvesting equipment, spare parts of all agricultural equipment, fishing equipment and parts thereof, refrigeration equipment, and renewable energy systems such as solar panels: *Provided, however*, That the imported agricultural and fishery inputs, equipment and machinery shall be for the exclusive use of the importing enterprise.

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The Department, in consultation with the Department of Finance and the Board of Investment, shall, within 90 days from the effectivity of this Act, formulate the implementing rules and regulations governing the importation of agriculture and fishery inputs, equipment and machinery.

SEC. 110. Any person, partnership, corporation, association and other juridical entity found circumventing the provisions of Section 109 of this Act shall suffer the penalty of imprisonment for a period of not less than six months but not more than one year, or a fine equivalent to 200 percent of the value of the imported materials, or both, at the discretion of the court, and the accessory penalties of confiscation of the imported goods in favor of the government and revocation of the privileges given under this Title.

In cases where the violator is a juridical entity, the officers responsible in the violation of Section 109 shall suffer the penalty of imprisonment prescribed in this Section.

The importation of goods equivalent to or exceeding the declared assets of the enterprise, partnership, or the authorized capital stock in case of corporations, and/or the resale of the imported goods shall be a *prima facie* evidence of the violation of the provisions of Section 109 of this Act.

GENERAL PROVISIONS

SECTION 111. Initial Appropriation. – For the first year of implementation of this Act, the amount of Twenty Billion Pesos (P20 billion) is hereby appropriated. The Department is hereby authorized to realign its appropriations in the current year of the date of effectivity of this Act to conform with the requirements of this Act: *Provided*, That the amount shall be allocated and disbursed as follows:

1. Thirty percent for irrigation;
2. Ten percent for post-harvest facilities: *Provided*, That the Secretary of Agriculture may invest up to 50 percent of the said amount to fund post-harvest facilities of cooperatives, especially market vendors' cooperatives, where said cooperatives exist and are operational: *Provided, further*, That if no cooperatives are operational, said amount shall fund the post-harvest facilities of the market - assistance system;
3. Ten percent for other infrastructure including fishports, seaports, and airports, farm- and-coast-to-market roads, rural energy, communications infrastructure, watershed rehabilitation, water supply system, research and technology infrastructure, public markets and abattoirs;
4. Ten percent for the Agro-industry Modernization Credit and Financing Program (AMCFP) to be deposited by the Department in participating rural-based public and private financial institutions provided that no less than 50 percent of said funds shall be deposited in rural banks in cooperative banks;
5. Eight percent for the implementation of the Farmer-Fisherfolk Marketing Assistance System and support of market vendors' cooperatives;
6. Ten percent for research and development, 4 percent of which shall be used to support the Biotechnology Program;
7. Five percent for capability-building of farmers and fisherfolk organizations and LGUs for the effective implementation of the agriculture and fisheries programs at the local level;
8. Six percent for salary supplement of Extension Workers under the LGUs;
9. Five percent for NAFES , for the upgrading of the facilities of State Universities and Colleges that will be chosen as national center of excellence in agriculture and fisheries education;

10. Four percent for the National Information Network (NIN) consisting of both the national and local levels;
11. One-and-three-fourth percent for SUC- and TESDA-administered Rural Non-Farm Employment Training; and
12. One-fourth percent for the identification of the SAFDZs.

SEC. 112. Continuing Appropriation. – The Department of Budget and Management (DBM) is hereby mandated to include annually in the next six years, in the President’s Program of expenditures for submission to Congress, and release, an amount not less than Seventeen Billion Pesos (P17 billion) for the implementation of this Act.

Additional funds over and above the regular yearly budget of the Department shall be sourced from 20 percent of the proceeds of the securitization of government assets, including the Subic, Clark, and other special economic zones.

Other sources of funds shall be from the following:

- a. Fifty percent of the net earnings of the Public Estates Authority;
- b. Loans, grants, bequest, or donations, whether from local or foreign sources;
- c. Forty percent of the TESDA Skills Development Fund;
- d. Net proceeds from the privatization of the Food Terminal Inc. (FTI), the Bureau of Animal Industry (BAI), the Bureau of Plant Industry (BPI), and other assets of the Department that will be identified by the DA Secretary and recommended to the President for privatization;
- e. Proceeds from the Minimum Access Volume (MAV) in accordance with the provisions of Republic Act No. 8178;
- f. Poverty Alleviation Fund; and
- g. Fifty percent of the Support Facilities and Services Fund under Republic Act No. 6657.

SEC. 113. Implementing Rules and Regulations. – The Secretary within 90 working days after the effectivity of this act, together with the Department of Agrarian Reform (DAR), Department of Environment and Natural Resources (DENR), Department of Finance (DOF), Department of Science and Technology (DOST), Department of Trade and Industry (DTI), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), Department of Education, Culture and sports (DECS), Department of Social services and Development (DSSD), National Economic and Development Authority (NEDA), Department of Budget and Management (DBM), Department of Labor and Employment (DOLE), Commission on Audit (COA), Civil Service Commission (CSC), in consultation with other agencies concerned, farmers, fisherfolk and agribusiness organizations, and in coordination with the Congressional Oversight committee on Agriculture and Fisheries Modernization, shall promulgate the rules and regulations for the effective implementation of this act.

The Secretary shall submit to the Committee on Agriculture of both Houses of Congress copies of the implementing rules and regulations within 30 days after their promulgation.

Any violation of this section shall render the official/s concerned liable under Republic Act. No. 6713 otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees” and other existing administrative and/or criminal laws.

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Sec. 114. Congressional Oversight Committee on Agricultural and Fisheries Modernization. – A Congressional Committee on Agricultural and Fisheries Modernization is hereby created to be composed of the Chairs of the Committee on Agriculture of both Houses, six members of the House of Representatives and six members of the Senate, to be designated respectively by the Speaker of the House and the President of the Senate, who shall endeavor to have the various sectors and regions of the country represented.

The Chairs of the Committees on Agriculture in the Senate and House of Representatives, shall be respectively, the Chair and Co-Chair of the Oversight Committee. The other members shall receive no compensation; however, traveling and other necessary expenses shall be allowed.

The Committee shall oversee and monitor the implementation of the Congressional Commission on Agricultural Modernization (AGRICOM) recommendations as well as all programs, projects and activities related to agriculture and fisheries, and its allied concerns in both public and private sectors, with a view to providing all legislative support and assistance within the powers of Congress to ensure their inclusion, wherever feasible, in the national, regional, provincial, municipal, and sectoral development plans to recommend the disposal of assets no longer needed by the Department to fund the modernization program, and to see them through their successful implementation.

Sec. 115. Powers and Functions of the Committee. – The Congressional Oversight on Agriculture and Fisheries Modernization shall have the following powers and functions:

- a. Prescribe and adopt guidelines that will govern its work;
- b. Hold hearings, receive testimonies and reports pertinent to its specified concerns;
- c. Secure from any department, bureau, office or instrumentality of the Government such assistance as may be needed, including technical information, preparation, and production of reports and submission of recommendations or plans as it may require;
- d. Summon by *subpoena* any public or private citizen to testify before it, or require by *subpoena duces tecum* to produce before it such records, reports or other documents as may be necessary in the performance of its functions;
- e. Use resource persons from the public and private sectors as may be needed;
- f. Carry on the winding-up work of AGRICOM, such as editing and printing all technical reports and studies as well as bibliographic cataloguing of its collection of source materials, continue its information and advocacy work;
- g. Cause to be transferred to the Committee all works, outputs, source materials, and assets, funds, supplies and equipment of AGRICOM;
- h. Approve the budget for the work of the Committee and all disbursements therefrom, including compensation of all personnel;
- i. Organize its staff and hire and appoint such employees and personnel whether temporary, contractual or on consultancy, subject to applicable rules; and
- j. Generally to exercise all the powers necessary to attain the purposes for which its created.

Sec. 116. Periodic Reports. – The Committee shall submit periodic reports on its findings and make recommendations on actions to be taken by Congress and the appropriate department, and in order to carry out the objectives of this Act, an initial amount of Twenty Million Pesos (P20 million) is hereby appropriated for the Oversight Committee for the first year of its operation.

SEC. 117. *Automatic Review.* – Every five years after the effectivity of this Act, an independent review panel composed of experts to be appointed by the President shall review the policies and programs in the Agriculture and Fisheries Modernization Act and shall make recommendations, based on its findings, to the President and to both Houses of Congress.

SEC. 118. *Repealing Clause.* – All laws, decrees, executive issuance, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 119. *Separability Clause.* – The provisions of this Act are hereby declared to be separable, and in the event one or more of such provisions are held unconstitutional, the validity of the other provisions shall not be affected thereby.

SEC. 120. *Effectivity.* – This Act shall take effect 30 days from the date of its publication in the Official Gazette or in at least two newspapers general circulation.

Approved: December 22, 1997.

REPUBLIC ACT No. 9367
AN ACT TO DIRECT THE USE OF BIOFUELS, ESTABLISHING FOR THIS PURPOSE
THE BIOFUEL PROGRAM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the “*Biofuels Act of 2006.*”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to reduce dependence on imported fuels with due regard to the protection of public health, the environment, and natural ecosystems consistent with the country’s sustainable economic growth that would expand opportunities for livelihood by mandating the use of biofuels, as a measure to:

- a) develop and utilize indigenous renewable and sustainably-sourced clean energy sources to reduce dependence on imported oil;
- b) mitigate toxic and greenhouse gas (GHG) emissions;
- c) increase rural employment and income; and
- d) ensure the availability of alternative and renewable clean energy without any detriment to the natural ecosystem, biodiversity and food reserves of the country.

SEC. 3. Definition of Terms. – As used in this Act, the following terms shall be taken to mean as follows:

- a) *AFTA* – shall refer to the ASEAN Free Trade Agreement initiated by the Association of Southeast Asian Nations;
- b) *Alternative Fuel Vehicles/Engines* – shall refer to vehicles/engines that use alternative fuels such as biodiesel, bioethanol, natural gas, electricity, hydrogen and automotive LPG, instead of gasoline and diesel;
- c) *Bioethanol* – shall refer to ethanol (C₂H₅OH) produced from feedstock and other biomass;
- d) *Biodiesel* – shall refer to Fatty Acid Methyl Ester (FAME) or mono-alkyl esters derived from vegetable oils or animal fats and other biomass-derived oils that shall be technically proven and approved by the DOE for use in diesel engines, with quality specifications in accordance with the Philippine National Standards (PNS);
- e) *Bioethanol Fuel* – shall refer to hydrous or anhydrous bioethanol suitably denatured for use as motor fuel, with quality specifications in accordance with the PNS;
- f) *Biofuel* – shall refer to bioethanol and biodiesel and other fuels made from biomass and primarily used for motive, thermal and power generation, with quality specifications in accordance with the PNS;
- g) *Biomass* – shall refer to any organic matter, particularly cellulosic or ligno-cellulosic matter, which is available on a renewable or recurring basis, including trees, crops and associated residues, plant fiber, poultry litter and other animal wastes, industrial wastes, and the biodegradable component of solid waste;
- h) *DA* – shall refer to the Department of Agriculture created under Executive Order No. 116, as amended;

- i) *Diesel* – shall refer to refined petroleum distillate, which may contain small amounts of hydrocarbon or nonhydrocarbon additives to improve ignition quality or other characteristics, suitable for compression ignition engine and other suitable types of engines with quality specifications in accordance with the PNS;
- j) *DENR* – shall refer to the Department of Environment and Natural Resources created under Executive Order No. 192, as amended;
- k) *DOE* – shall refer to the Department of Energy created under Republic Act No. 7638, as amended;
- l) *DOLE* – shall refer to the Department of Labor and Employment created under Executive Order No. 126, as amended;
- m) *DOF* – shall refer to the Department of Finance created under Administrative Order Nos. 127 and 127-A;
- n) *DOST* – shall refer to the Department of Science and Technology created under Republic Act No. 2067;
- o) *DOTC* – shall refer to the Department of Transportation and Communications created under Executive Order No. 125-A, as amended;
- p) *DTI* – shall refer to the Department of Trade and Industry created under Executive Order No. 133;
- s) *Feedstock* – shall refer to organic sources such as molasses, sugarcane, cassava, coconut, jatropha, sweet sorghum or other biomass used in the production of biofuels;
- r) *Gasoline* – shall refer to volatile mixture of liquid hydrocarbon, generally containing small amounts of additives, suitable for use as a fuel in spark-ignition internal combustion engines with quality specifications in accordance with the PNS;
- s) *Motor Fuel* – shall refer to all volatile and inflammable liquids and gas produced, blended or compounded for the purpose of, or which are suitable or practicable for, operating motor vehicles;
- t) *MTBE* – shall refer to Methyl Tertiary Butyl Ether;
- u) *NBB or Board* – shall refer to the National Biofuel Board created under Section 8 of this Act;
- v) *Oil Company* – shall refer to any entity that distributes and sells petroleum fuel products;
- w) *Oxygenate* – shall refer to substances, which, when added to gasoline, increase the amount of oxygen in that gasoline blend;
- x) *PNS* – shall refer to the Philippine National Standards; consistent with Section 26 of RA No. 8749, otherwise known as the “Philippine Clean Air Act of 1999”;
- y) *Renewable Energy Sources* – shall refer to energy sources that do not have an upper limit on the total quantity to be used. Such resources are renewable on a regular basis; and
- z) *WTO* – shall refer to the World Trade Organization.

SEC. 4. Phasing Out of the Use of Harmful Gasoline Additives and/or Oxygenates. – Within six months from the effectivity of this Act, the DOE, according to duly accepted international standards, shall gradually phase out the use of harmful gasoline additives such as, but not limited to, MTBE.

SEC. 5. Mandatory Use of Biofuels. – Pursuant to the above policy, it is hereby mandated that all liquid fuels for motors and engines sold in the Philippines shall contain locally-sourced biofuels components as follows:

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5.1 Within two years from the effectivity of this Act, at least 5 percent bioethanol shall comprise the annual total volume of gasoline fuel actually sold and distributed by each and every oil company in the country, subject to the requirement that all bioethanol blended gasoline shall contain a minimum of 5 percent bioethanol fuel by volume: *Provided*, That the ethanol blend conforms to PNS.

5.2 Within four years from the effectivity of this Act, the NBB created under this Act is empowered to determine the feasibility and thereafter recommend to DOE to mandate a minimum of 10 percent blend of bioethanol by volume into all gasoline fuel distributed and sold by each and every oil company in the country.

In the event of supply shortage of locally-produced bioethanol during the four-year period, oil companies shall be allowed to import bioethanol but only to the extent of the shortage as may be determined by the NBB.

5.3 Within three months from the effectivity of this Act, a minimum of 1 percent biodiesel by volume shall be blended into all diesel engine fuels sold in the country: *Provided*, That the biodiesel blend conforms to PNS for biodiesel.

Within two years from the effectivity of this Act, the NBB created under this Act is empowered to determine the feasibility and thereafter recommend to DOE to mandate a minimum of 2 percent blend of biodiesel by volume which may be increased taking into account considerations including but not limited to domestic supply and availability of locally-sourced biodiesel component.

SEC. 6. Incentive Scheme. – To encourage investments in the production, distribution and use of locally-produced biofuels at and above the minimum mandated blends, and without prejudice to enjoying applicable incentives and benefits under existing laws, rules and regulations, the following additional incentives are hereby provided under this Act.

a) Specific tax

The specific tax on local or imported biofuels component, per liter of volume shall be zero. The gasoline and diesel fuel component shall remain subject to the prevailing specific tax rates.

b) Value Added Tax

The sale of raw material used in the production of biofuels such as, but not limited to, coconut, jatropha, sugarcane, cassava, corn, and sweet sorghum shall be exempt from the value added tax.

c) Water Effluents

All water effluents, such as but not limited to distillery slops from the production of biofuels used as liquid fertilizer and for other agricultural purposes are considered "reuse," and are therefore, exempt from wastewater charges under the system provided under Section 13 of RA No. 9275, also known as the Philippine Clean Water Act: *Provided, however*, That such application shall be in accordance with the guidelines issued pursuant to RA No. 9275, subject to the monitoring and evaluation by DENR and approved by DA.

d) Financial Assistance

Government financial institutions, such as the Development Bank of the Philippines, Land Bank of the Philippines, Quedancor and other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extend financing to Filipino citizens or entities, at least

60 percent of the capital stock of which belongs to citizens of the Philippines that shall engage in activities involving production, storage, handling and transport of biofuel and biofuel feedstock, including the blending of biofuels with petroleum, as certified by the DOE.

SEC. 7. Powers and Functions of the DOE. – In addition to its existing powers and functions, the DOE is hereby mandated to take appropriate and necessary actions to implement the provisions of this Act. In pursuance thereof, it shall within three months from the effectivity of this Act:

- a) Formulate the implementing rules and regulations under Section 15 of this Act;
- b) Prepare the Philippine Biofuel Program consistent with the Philippine Energy Plan and taking into consideration the DOE's existing biofuels program;
- c) Establish technical fuel quality standards for biofuels and biofuel-blended gasoline and diesel which comply with the PNS;
- d) Establish guidelines for the transport, storage and handling of biofuels;
- e) Impose fines and penalties against persons or entities found to have committed any of the prohibited acts under Section 12(b) to (e) of this Act;
- f) Stop the sale of biofuels and biofuel-blended gasoline and diesel that are not in conformity with the specifications provided for under Section 5 of this Act, the PNS and corresponding issuances of the Department; and
- g) Conduct an information campaign to promote the use of biofuels.

SEC. 8. Creation of the National Biofuel Board (NBB). – The National Biofuel Board is hereby created. It shall be composed of the Secretary of the DOE as Chairman and the Secretaries of the DTI, DOST, DA, DOF, DOLE, and the Administrators of the PCA, and the SRA, as members.

The DOE Secretary, in his capacity as Chairperson, shall, within one month from the effectivity of this Act, convene the NBB.

The Board shall be assisted by a Technical Secretariat attached to the Office of the Secretary of the DOE. It shall be headed by a Director to be appointed by the Board. The number of staff of the Technical Secretariat and the corresponding positions shall be determined by the Board, subject to approval by the Department of Budget and Management (DBM) and existing civil service rules and regulations.

SEC. 9. Powers and Functions of the NBB. – The NBB shall have the following powers and functions:

- a) Monitor the implementation of, and evaluate for further expansion, the National Biofuel Program (NBP) prepared by the DOE pursuant to Section 7(b) of this Act;
- b) Monitor the supply and utilization of biofuels and biofuel-blends and recommend appropriate measures in cases of shortage of feedstock supply for approval of the Secretary of DOE. For this purpose:
 1. The NBB is empowered to require all entities engaged in the production, blending and distribution of biofuels to submit reports of their actual and projected sales and inventory of biofuels, in a format to be prescribed for this purpose; and
 2. The NBB shall determine availability of locally-sourced biofuels and recommend to DOE the appropriate level or percentage of locally-sourced biofuels to the total annual volume of gasoline and diesel sold and distributed in the country.

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- c) Review and recommend to DOE the adjustment in the minimum mandated biofuel blends subject to the availability of locally-sourced biofuels: *Provided*, That the minimum blend may be decreased only within the first four years from the effectivity of this Act. Thereafter, the minimum blends of 5 percent and 2 percent for bioethanol and biodiesel, respectively, shall not be decreased;
- d) Recommend to DOE a program that will ensure the availability of alternative fuel technology for vehicles, engines and parts in consonance with the mandated minimum biofuel-blends, and to maximize the utilization of biofuels, including other biofuels;
- e) Recommend to DOE the use of biofuel-blends in air transport taking into account safety and technical viability; and
- f) Recommend specific actions to be executed by the DOE and other appropriate government agencies concerning the implementation of the NBP, including its economic, technical, environment and social impact.

SEC. 10. Security of Domestic Sugar Supply. – Any provision of this Act to the contrary notwithstanding, the SRA, pursuant to its mandate, shall, at all times, ensure that the supply of sugar is sufficient to meet the domestic demand and that the price of sugar is stable.

To this end, the SRA shall recommend and the proper agencies shall undertake the importation of sugar whenever necessary and shall make appropriate adjustments to the minimum access volume parameters for sugar in the Tariff and Customs Code.

SEC. 11. Role of Government Agencies. – To ensure the effective implementation of the NBP, concerned agencies shall perform the following functions:

- a) The DOF shall monitor the production and importation of biofuels through the Bureau of Internal Revenue (BIR) and the Bureau of Customs (BOC);
- b) The DOST and the DA shall coordinate in identifying and developing viable feedstock for the production of biofuels;
- c) The DOST, through the Philippine Council for Industry and Energy Research and Development (PCIERD), shall develop and implement a research and development program supporting a sustainable improvement in biofuel production and utilization technology. It shall also publish and promote related technologies developed locally and abroad;
- d) The DA through its relevant agencies shall:
 - (1) Within three months from the effectivity of this Act, develop a national program for the production of crops for use as feedstock supply. For this purpose, the Administrators of the SRA and the PCA, and other DA-attached agencies shall, within their authority, develop and implement policies supporting the Philippine Biofuel Program and submit the same to the Secretary of the DA for consideration;
 - (2) Ensure increased productivity and sustainable supply of biofuel feedstocks. It shall institute a program that would guarantee that a sufficient and reliable supply of feedstocks is allocated for biofuel production; and
 - (3) Publish information on available and suitable areas for cultivation and production of such crops.
- e) The DOLE shall:
 - (1) Promote gainful livelihood opportunities and facilitate productive employment through effective employment services and regulation;

- (2) Ensure the access of workers to productive resources and social protection coverage; and
- (3) Recommend plans, policies and programs that will enhance the social impact of the NBP.
- f) The Tariff Commission, in coordination with the appropriate government agencies, shall create and classify a tariff line for biofuels and biofuel-blends in consideration of WTO and AFTA agreements; and
- g) The local government units (LGUs) shall assist the DOE in monitoring the distribution, sale and use of biofuels and biofuel-blends.

SEC. 12. *Prohibited Acts.* – The following acts shall be prohibited:

- a) Diversion of biofuels, whether locally produced or imported, to purposes other than those envisioned in this Act;
- b) Sale of biofuel-blended gasoline or diesel that fails to comply with the minimum biofuel-blend by volume in violation of the requirement under Section 5 of this Act;
- c) Distribution, sale and use of automotive fuel containing harmful additives such as, but not limited to, MTBE at such concentration exceeding the limits to be determined by the NBB;
- d) Noncompliance with the established guidelines of the PNS and DOE adopted for the implementation of this Act; and
- e) False labeling of gasoline, diesel, biofuels and biofuel-blended gasoline and diesel.

SEC. 13. *Penal Provisions.* – Any person, who willfully aids or abets in the commission of a crime prohibited herein or who causes the commission of any such act by another shall be liable in the same manner as the principal.

In the case of association, partnership or corporations, the penalty shall be imposed on the partner, president, chief operating officer, chief executive officer, directors or officers, responsible for the violation.

The commission of an act enumerated in Section 12, upon conviction thereof, shall suffer the penalty of one year to five years imprisonment and a fine ranging from a minimum of One Million Pesos (P1 million) to Five Million Pesos (P5 million).

In addition, the DOE shall confiscate any amount of such products that fail to comply with the requirements of Sections 4 and 5 of this Act, and implementing issuances of the DOE. The DOE shall determine the appropriate process and the manner of disposal and utilization of the confiscated products. The DOE is also empowered to stop and suspend the operation of businesses for refusal to comply with any order or instruction of the DOE Secretary in the exercise of his functions under this Act.

Further, the DOE is empowered to impose administrative fines and penalties for any violation of the provisions of this Act, implementing rules and regulations and other issuances relative to this Act.

SEC. 14. *Appropriations.* – Such sums as may be necessary for the initial implementation of this Act shall be taken from the current appropriations of the DOE. Thereafter, the fund necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 15. *Implementing Rules and Regulations (IRR).* – The DOE, in consultation with the NBB, the stakeholders and other agencies concerned, shall, within three months from the effectivity of this Act, promulgate the IRR of this Act: *Provided*, That prior to its effectivity, the draft of the IRR shall be posted

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at the DOE website for at least one month, and shall be published in at least two newspapers of general circulation.

SEC. 16. Congressional Oversight Committee. – Upon the effectivity of this Act, a Congressional Committee, hereinafter referred to as the Biofuels Oversight Committee, is hereby constituted. The Biofuels Oversight Committee shall be composed of 14 members, with the Chairmen of the Committees on Energy of both Houses of Congress as co chairmen. The Chairmen of the Committees on Agriculture and Trade and Industry shall be *ex officio* members. An additional four members from each House, to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The minority shall be entitled to pro-rata representation but shall have at least one representative in the Biofuels Oversight Committee.

SEC. 17. Benefits of Biofuel Workers. – This Act shall not in any way result in the forfeiture or diminution of the existing benefits enjoyed by the sugar workers as prescribed under RA No. 6982, or the Sugar Amelioration Act of 1991, in case sugarcane shall be used as feedstock.

The NBB shall establish a mechanism similar to that provided under the Sugar Amelioration Act of 1991 for the benefit of other biofuel workers.

SEC. 18. Special Clause. – This Act shall not be interpreted as prejudicial to clean development mechanism (CDM) projects that cause carbon dioxide (CO₂) and greenhouse gases (GHG) emission reductions by means of biofuels use.

SEC. 19. Repealing Clause. – The provisions of Section 148(d) of RA No. 8424, otherwise known as Tax Reform Act of 1997, and all other laws, presidential decrees or issuances, executive orders, presidential proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act, are hereby repealed, modified or amended accordingly.

SEC. 20. Separability Clause. – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 21. Effectivity. – This Act shall take effect 15 days after its publication in at least two newspapers of general circulation.

Approved: January 12, 2007.

REPUBLIC ACT No. 9513
AN ACT PROMOTING THE DEVELOPMENT, UTILIZATION AND COMMERCIALIZATION
OF RENEWABLE ENERGY RESOURCES AND FOR OTHER PURPOSES

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

CHAPTER I

TITLE AND DECLARATION OF POLICIES

SECTION 1. Short Title. – This Act shall be known as the “*Renewable Energy Act of 2008.*” It shall hereinafter be referred to as the “Act.”

SEC. 2. Declaration of Policies. – It is hereby declared the policy of the State to:

- a) Accelerate the exploration and development of renewable energy resources such as, but not limited to, biomass, solar, wind, hydro, geothermal and ocean energy sources, including hybrid systems, to achieve energy self-reliance, through the adoption of sustainable energy development strategies to reduce the country’s dependence on fossil fuels and thereby minimize the country’s exposure to price fluctuations in the international markets, the effects of which spiral down to almost all sectors of the economy;
- b) Increase the utilization of renewable energy by institutionalizing the development of national and local capabilities in the use of renewable energy systems, and promoting its efficient and cost-effective commercial application by providing fiscal and nonfiscal incentives;
- c) Encourage the development and utilization of renewable energy resources as tools to effectively prevent or reduce harmful emissions and thereby balance the goals of economic growth and development with the protection of health and the environment; and
- d) Establish the necessary infrastructure and mechanism to carry out the mandates specified in this Act and other existing laws.

SEC. 3. Scope. – This Act shall establish the framework for the accelerated development and advancement of renewable energy resources, and the development of a strategic program to increase its utilization.

SEC. 4. Definition of Terms. – As used in this Act, the following terms are herein defined:

- a) *Biomass energy systems* refers to energy systems which use biomass resources to produce heat, steam, mechanical power or electricity through either thermochemical, biochemical or physico-chemical processes, or through such other technologies which shall comply with prescribed environmental standards pursuant to this Act;
- b) *Biomass resources* refers to non-fossilized, biodegradable organic material originating from naturally occurring or cultured plants, animals and micro-organisms, including agricultural products, by-products and residues such as, but not limited to, biofuels except corn, soya beans and rice but including sugarcane and coconut, rice hulls, rice straws, coconut husks and shells, corn cobs, corn stovers, bagasse, biodegradable organic fractions of industrial and municipal wastes that can be used in bioconversion process and other processes, as well as gases and liquids recovered from the decomposition and/or extraction of non-fossilized and biodegradable organic materials;

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- c) *Board of Investments (BOI)* refers to an attached agency of the Department of Trade and Industry created under Republic Act No. 5186, as amended;
- d) *Co-generation systems* refer to facilities which produce electrical and/or mechanical energy and forms of useful thermal energy such as heat or steam which are used for industrial, commercial heating or cooling purposes through the sequential use of energy;
- e) *Department of Energy (DOE)* refers to the government agency created pursuant to Republic Act No. 7638 whose functions are expanded in Republic Act No. 9136 and further expanded in this Act;
- f) *Department of Environment and Natural Resources (DENR)* refers to the government agency created pursuant to Executive Order No. 192;
- g) *Department of Finance (DOF)* refers to the government agency created pursuant to Executive Order No. 127, as amended;
- h) *Department of Science and Technology (DOST)* refers to the government agency created pursuant to Executive Order No. 128;
- i) *Department of Trade and Industry (DTI)* refers to the government agency created pursuant to Executive Order No. 133;
- j) *Distributed generation* refers to a system of small generation entities supplying directly to the distribution grid, any one of which shall not exceed 100 kilowatts (100 kW) in capacity;
- k) *Distribution of Electricity* refers to the conveyance of electricity by a Distribution Utility through its distribution system pursuant to the provision of Republic Act No. 9136;
- l) *Distribution Utility (DU)* refers to any electric cooperative, private corporation, government-owned utility or existing local government unit which has an exclusive franchise to operate a distribution system in accordance with its franchise and Republic Act No. 9136;
- m) *Electric Power Industry Reform Act of 2001 or Republic Act No. 9136* refers to the law mandating the restructuring of the electric power sector and the privatization of the National Power Corporation;
- n) *Energy Regulatory Commission (ERC)* refers to the independent quasi-judicial regulatory agency created pursuant to Republic Act No. 9136;
- o) *Generation Company* refers to any person or entity authorized by the ERC to operate facilities used in the generation of electricity;
- p) *Generation Facility* refers to a facility for the production of electricity and/or thermal energy such as, but not limited to, steam, hot or cold water;
- q) *Geothermal energy* as used herein and in the context of this Act, shall be considered renewable and the provisions of this Act is therefore applicable thereto if geothermal energy, as a mineral resource, is produced through: (1) natural recharge, where the water is replenished by rainfall and the heat is continuously produced inside the earth; and/or (2) enhanced recharge, where hot water used in the geothermal process is re-injected into the ground to produce more steam as well as to provide additional recharge to the convection system;
- r) *Geothermal Energy Systems* refers to machines or other equipment that converts geothermal energy into useful power;
- s) *Geothermal Resources* refers to mineral resources, classified as renewable energy resource, in the form of: (i) all products of geothermal processes, embracing indigenous steam, hot water, and hot brines; (ii) steam and other gases, hot water, and hot brines resulting from water, gas, or other

- fluids artificially introduced into geothermal formations; (iii) heat or associated energy found in geothermal formations; and (iv) any by-product derived from them;
- t) *Government Share* refers to the amount due the National Government and local government units from the exploitation, development, and utilization of naturally-occurring renewable energy resources such as geothermal, wind, solar, ocean and hydro excluding biomass;
 - u) *Green Energy Option* refers to the mechanism to empower end-users to choose renewable energy in meeting their energy requirements;
 - v) *Grid* refers to the high voltage backbone system of interconnected transmission lines, substations, and related facilities, located in each of Luzon, Visayas, and Mindanao, or as may otherwise be determined by the ERC in accordance with Republic Act No. 9136;
 - w) *Hybrid Systems* refers to any power or energy generation facility which makes use of two or more types of technologies utilizing both conventional and/or renewable fuel sources, such as, but not limited to, integrated solar/wind systems, biomass/fossil fuel systems, hydro/fossil fuel systems, integrated solar/biomass systems, integrated wind/fossil fuel systems, with a minimum of 10 megawatts or 10 percent of the annual energy output provided by the Renewable Energy (RE) component;
 - x) *Hydroelectric Power Systems* or *Hydropower Systems* refers to water-based energy systems which produce electricity by utilizing the kinetic energy of falling or running water to turn a turbine generator;
 - y) *Hydroelectric Power Development* or *Hydropower Development* refers to the construction and installation of a hydroelectric power-generating plant and its auxiliary facilities, such as diversion structure, headrace, penstock, substation, transmission, and machine shop, among others;
 - z) *Hydroelectric Power Resources* or *Hydropower Resources* refers to water resources found technically feasible for development of hydropower projects which include rivers, lakes, waterfalls, irrigation canals, springs, ponds, and other water bodies;
 - aa) *Local government share* refers to the amount due the LGUs from the exploitation, development and utilization of naturally-occurring renewable energy resources;
 - bb) *Micro-scale Project* refers to an RE project with capacity not exceeding 100 kilowatts;
 - cc) *Missionary Electrification* refers to the provision of basic electricity service in unviable areas with the aim of bringing the operations in these areas to viability levels;
 - dd) *National government share* refers to the amount due the national government from the exploitation, development and utilization of naturally-occurring renewable energy resources;
 - ee) *National Power Corporation (NPC)* refers to the government corporation created under Republic Act No. 6395, as amended by Republic Act No. 9136;
 - ff) *National Transmission Corporation (TRANSCO)* refers to the corporation created pursuant to Republic Act No. 9136 responsible for the planning, construction, and centralized operation and maintenance of high voltage transmission facilities, including grid interconnection and ancillary services;
 - gg) *Net Metering* refers to a system, appropriate for distributed generation, in which a distribution grid user has a two-way connection to the grid and is only charged for his net electricity consumption and is credited for any overall contribution to the electricity grid;

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- hh) *Non-power Applications* refers to renewable energy systems or facilities that produce mechanical energy, combustible products such as methane gas, or forms of useful thermal energy such as heat or steam, that are not used for electricity generation, but for applications such as, but not limited to, industrial/commercial cooling, and fuel for cooking and transport;
- ii) *Ocean Energy Systems* refers to energy systems which convert ocean or tidal current, ocean thermal gradient or wave energy into electrical or mechanical energy;
- jj) *Off-Grid Systems* refers to electrical systems not connected to the wires and related facilities of the On-Grid Systems of the Philippines;
- kk) *On-Grid System* refers to electrical systems composed of interconnected transmission lines, distribution lines, substations, and related facilities for the purpose of conveyance of bulk power on the grid of the Philippines;
- ll) *Philippine Electricity Market Corporation (PEMC)* refers to the Corporation incorporated upon the initiative of the DOE composed of all Wholesale Electricity Spot Market (WESM) Members and whose Board of Directors will be the PEM Board;
- mm) *Philippine National Oil Company (PNOC)* refers to the government agency created pursuant to Presidential Decree No. 334, as amended;
- nn) *Power applications* refers to renewable energy systems or facilities that produce electricity;
- oo) *Registered RE Developer* refers to a RE Developer duly registered with the DOE;
- pp) *Renewable Energy (Systems) Developers or RE Developers* refers to individual/s or a group of individuals formed in accordance with existing Philippine Laws engaged in the exploration, development and utilization of RE resources and actual operation of RE systems/facilities;
- qq) *Renewable Energy Market (REM)* refers to the market where the trading of the RE certificates equivalent to an amount of power generated from RE resources is made;
- rr) *Renewable Energy Policy Framework (REPF)* refers to the long-term policy developed by the DOE which identifies, among others, the goals and targets for the development and utilization of renewable energy in the country;
- ss) *Renewable Portfolio Standards* refers to a market-based policy that requires electricity suppliers to source an agreed portion of their energy supply from eligible RE resources;
- tt) *Renewable Energy Service (Operating) Contract (RE Contract)* refers to the service agreement between the Government, through the DOE, and RE Developer over a period in which the RE Developer has the exclusive right to a particular RE area for exploration and development. The RE Contract shall be divided into two stages: the pre-development stage and the development/commercial stage. The preliminary assessment and feasibility study up to financial closing shall refer to the pre-development stage. The construction and installation of facilities up to operation phase shall refer to the development stage;
- uu) *Renewable Energy Resources (RE Resources)* refer to energy resources that do not have an upper limit on the total quantity to be used. Such resources are renewable on a regular basis, and whose renewal rate is relatively rapid to consider availability over an indefinite period of time. These include, among others, biomass, solar, wind, geothermal, ocean energy, and hydropower conforming with internationally accepted norms and standards on dams, and other emerging renewable energy technologies;
- vv) *Renewable Energy Systems (RE Systems)* refers to energy systems which convert RE resources into useful energy forms, like electrical, mechanical, etc.;

- ww) *Rural Electrification* refers to the delivery of basic electricity services, consisting of power generation, sub-transmission, and/or extension of associated power delivery system that would bring about important social and economic benefits to the countryside;
- xx) *Solar Energy* refers to the energy derived from solar radiation that can be converted into useful thermal or electrical energy;
- yy) *Solar Energy Systems* refers to energy systems which convert solar energy into thermal or electrical energy;
- zz) *Small Power Utilities Group (SPUG)* refers to the functional unit of the NPC mandated under Republic Act No. 9136 to pursue missionary electrification function;
- aaa) *Supplier* refers to any person or entity authorized by the ERC to sell, broker, market or aggregate electricity to the end-users;
- bbb) *Transmission of Electricity* refers to the conveyance of electric power through transmission lines as defined under Republic Act No. 9136 by TRANSCO or its buyer/concessionaire in accordance with its franchise and Republic Act No. 9136;
- ccc) *Wind Energy* refers to the energy that can be derived from wind that is converted into useful electrical or mechanical energy;
- ddd) *Wind Energy Systems* refers to the machines or other related equipment that convert wind energy into useful electrical or mechanical energy;
- eee) *Wholesale Electricity Spot Market (WESM)* refers to the wholesale electricity spot market created pursuant to Republic Act No. 9136.

CHAPTER II

ORGANIZATION

SECTION 5. Lead Agency. – The DOE shall be the lead agency mandated to implement the provisions of this Act.

CHAPTER III

ON-GRID RENEWABLE ENERGY DEVELOPMENT

SECTION 6. Renewable Portfolio Standard (RPS). – All stakeholders in the electric power industry shall contribute to the growth of the renewable energy industry of the country. Towards this end, the National Renewable Energy Board (NREB), created under Section 27 of this Act, shall set the minimum percentage of generation from eligible renewable energy resources and determine to which sector RPS shall be imposed on a per grid basis within one year from the effectivity of this Act.

SEC. 7. Feed-In Tariff System. – To accelerate the development of emerging renewable energy resources, a feed-in tariff system for electricity produced from wind, solar, ocean, run-of-river hydropower and biomass is hereby mandated. Towards this end, the ERC in consultation with the National Renewable Energy Board (NREB) created under Section 27 of this Act shall formulate and promulgate feed-in tariff system rules within one year upon the effectivity of this Act which shall include, but not limited to, the following:

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- a) Priority connections to the grid for electricity generated from emerging renewable energy resources such as wind, solar, ocean, run-of-river hydropower and biomass power plants within the territory of the Philippines;
- b) The priority purchase and transmission of, and payment for, such electricity by the grid system operators;
- c) Determine the fixed tariff to be paid to electricity produced from each type of emerging renewable energy and the mandated number of years for the application of these rates, which shall not be less than 12 years;
- d) The feed-in tariff to be set shall be applied to the emerging renewable energy to be used in compliance with the renewable portfolio standard as provided for in this Act and in accordance with the RPS rules that will be established by the DOE.

Sec. 8. Renewable Energy Market (REM). – To facilitate compliance with Section 6 of this Act, the DOE shall establish the REM and shall direct PEMC to implement changes to the WESM Rules in order to incorporate the rules specific to the operation of the REM under the WESM.

The PEMC shall, under the supervision of the DOE, establish a Renewable Energy Registrar within one year from the effectivity of this Act and shall issue, keep and verify RE Certificates corresponding to energy generated from eligible RE facilities. Such certificates will be used for compliance with the RPS. For this purpose, a transaction fee, equal to half of what PEMC currently charges regular WESM players, may be imposed by PEMC.

Sec. 9. Green Energy Option. – The DOE shall establish a Green Energy Option program which provides end-users the option to choose RE resources as their sources of energy. In consultation with the NREB, the DOE shall promulgate the appropriate implementing rules and regulations which are necessary, incidental or convenient to achieve the objectives set forth herein.

Upon the determination of the DOE of its technical viability and consistent with the requirements of the green energy option program, end users may directly contract from RE facilities their energy requirements distributed through their respective distribution utilities.

Consistent herewith, TRANSCO or its successors-in-interest, DUs, PEMC and all relevant parties are hereby mandated to provide the mechanisms for the physical connection and commercial arrangements necessary to ensure the success of the Green Energy Option. The end-user who will enroll under the energy option program should be informed by way of its monthly electric bill, how much of its monthly energy consumption and generation charge is provided by RE facilities.

Sec. 10. Net-metering for Renewable Energy. – Subject to technical considerations and without discrimination and upon request by distribution end-users, the distribution utilities shall enter into net-metering agreements with qualified end-users who will be installing RE system.

The ERC, in consultation with the NREB and the electric power industry participants, shall establish net metering interconnection standards and pricing methodology and other commercial arrangements necessary to ensure success of the net-metering for renewable energy program within one year upon the effectivity of this Act.

The distribution utility shall be entitled to any Renewable Energy Certificate resulting from net-metering arrangement with the qualified end-user who is using an RE resource to provide energy and the distribution utility shall be able to use this RE certificate in compliance with its obligations under RPS.

The DOE, ERC, TRANSCO or its successors-in-interest, DUs, PEMC and all relevant parties are hereby mandated to provide the mechanisms for the physical connection and commercial arrangements necessary to ensure the success of the Net-metering for Renewable Energy program, consistent with the Grid and Distribution Codes.

SEC. 11. *Transmission and Distribution System Development.* – TRANSCO or its successors-in-interest or its buyer/concessionaire and all DUs, shall include the required connection facilities for RE-based power facilities in the Transmission and Distribution Development Plans: *Provided*, That such facilities are approved by the DOE. The connection facilities of RE power plants, including the extension of transmission and distribution lines, shall be subject only to ancillary services covering such connections.

CHAPTER IV

OFF-GRID RENEWABLE ENERGY DEVELOPMENT

SECTION 12. *Off-Grid Areas.* – Within one year from the effectivity of this Act, NPC-SPUG or its successors-in-interest and/or qualified third parties in off-grid areas shall, in the performance of its mandate to provide missionary electrification, source a minimum percentage of its total annual generation upon recommendation of the NREB from available RE resources in the area concerned, as may be determined by the DOE.

As used in this Act, successors-in-interest refer to entities deemed technically and financially capable to serve/take over existing NPC-SPUG areas.

Eligible RE generation in off-grid and missionary areas shall be eligible for the provision of RE Certificates defined in Section 8 of this Act. In the event there are no viable RE resources in the off-grid and missionary areas, the relevant electricity supplier in the off-grid and missionary areas shall still be obligated under Section 6 of this Act.

CHAPTER V

GOVERNMENT SHARE

SECTION 13. *Government Share.* – The government share on existing and new RE development projects shall be equal to 1 percent of the gross income of RE resource developers resulting from the sale of renewable energy produced and such other income incidental to and arising from the renewable energy generation, transmission, and sale of electric power except for indigenous geothermal energy, which shall be at 1.5 percent of gross income.

To further promote the development of RE projects, the government hereby waives its share from the proceeds of micro-scale projects for communal purposes and non-commercial operations, which are not greater than 100 kilowatts.

CHAPTER VI

ENVIRONMENTAL COMPLIANCE

SECTION 14. *Compliance with Environmental Regulations.* – All RE explorations, development, utilization, and RE systems operations shall be conducted in accordance with existing environmental regulations as prescribed by the DENR and/or any other concerned government agency.

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CHAPTER VII

GENERAL INCENTIVES

SECTION 15. *Incentives for Renewable Energy Projects and Activities.* – RE developers of renewable energy facilities, including hybrid systems, in proportion to and to the extent of the RE component, for both power and non-power applications, as duly certified by the DOE, in consultation with the BOI, shall be entitled to the following incentives:

- a) *Income Tax Holiday (ITH).* – For the first seven years of its commercial operations, the duly registered RE developer shall be exempt from income taxes levied by the National Government.

Additional investments in the project shall be entitled to additional income tax exemption on the income attributable to the investment: *Provided*, That the discovery and development of new RE resource shall be treated as a new investment and shall therefore be entitled to a fresh package of incentives: *Provided, further*, That the entitlement period for additional investments shall not be more than three times the period of the initial availment of the ITH.

- b) *Duty-free Importation of RE Machinery, Equipment and Materials.* – Within the first 10 years upon the issuance of a certification of an RE developer, the importation of machinery and equipment, and materials and parts thereof, including control and communication equipment, shall not be subject to tariff duties: *Provided, however*, That the said machinery, equipment, materials and parts are directly and actually needed and used exclusively in the RE facilities for transformation into energy and delivery of energy to the point of use and covered by shipping documents in the name of the duly registered operator to whom the shipment will be directly delivered by customs authorities: *Provided, further*, That endorsement of the DOE is obtained before the importation of such machinery, equipment, materials and parts are made.

Endorsement of the DOE must be secured before any sale, transfer or disposition of the imported capital equipment, machinery or spare parts is made: *Provided*, That if such sale, transfer or disposition is made within the 10-year period from the date of importation, any of the following conditions must be present:

- (i) If made to another RE developer enjoying tax and duty exemption on imported capital equipment;
- (ii) If made to a non-RE developer, upon payment of any taxes and duties due on the net book value of the capital equipment to be sold;
- (iii) Exportation of the used capital equipment, machinery, spare parts or source documents or those required for RE development; and
- (iv) For reasons of proven technical obsolescence.

When the aforementioned sale, transfer or disposition is made under any of the conditions provided for in the foregoing paragraphs after 10 years from the date of importation, the sale, transfer or disposition shall no longer be subject to the payment of taxes and duties;

- c) *Special Realty Tax Rates on Equipment and Machinery.* – Any law to the contrary notwithstanding, realty and other taxes on civil works, equipment, machinery, and other improvements of a registered RE Developer actually and exclusively used for RE facilities shall not exceed 1.5 percent of their original cost less accumulated normal depreciation or net book value: *Provided*, That in case of an integrated resource development and generation facility as provided under Republic Act No. 9136, the real property tax shall only be imposed on the power plant;

- d) *Net Operating Loss Carry-Over (NOLCO).* – The NOLCO of the RE Developer during the first three years from the start of commercial operation which had not been previously offset as deduction from gross income shall be carried over as a deduction from gross income for the next seven consecutive taxable years immediately following the year of such loss: *Provided, however,* That operating loss resulting from the availment of incentives provided for in this Act shall not be entitled to NOLCO;
- e) *Corporate Tax Rate.* – After seven years of income tax holiday, all RE Developers shall pay a corporate tax of 10 percent on its net taxable income as defined in the National Internal Revenue Code (NIRC) of 1997, as amended by Republic Act No. 9337: *Provided,* That the RE Developer shall pass on the savings to the end-users in the form of lower power rates.
- f) *Accelerated Depreciation.* – If, and only if, an RE project fails to receive an ITH before full operation, it may apply for Accelerated Depreciation in its tax books and be taxed based on such: *Provided,* That if it applies for Accelerated Depreciation, the project or its expansions shall no longer be eligible for an ITH. Accelerated depreciation of plant, machinery, and equipment that are reasonably needed and actually used for the exploration, development and utilization of RE resources may be depreciated using a rate not exceeding twice the rate which would have been used had the annual allowance been computed in accordance with the rules and regulations prescribed by the Secretary of the Department of Finance and the provisions of the National Internal Revenue Code (NIRC) of 1997, as amended. Any of the following methods of accelerated depreciation may be adopted:
 - i) Declining balance method; and
 - ii) Sum-of-the years digit method
- g) *Zero Percent Value-Added Tax Rate.* – The sale of fuel or power generated from renewable sources of energy such as, but not limited to, biomass, solar, wind, hydropower, geothermal, ocean energy and other emerging energy sources using technologies such as fuel cells and hydrogen fuels, shall be subject to zero percent value-added tax (VAT), pursuant to the National Internal Revenue Code (NIRC) of 1997, as amended by Republic Act No. 9337.

All RE Developers shall be entitled to zero-rated value added tax on its purchases of local supply of goods, properties and services needed for the development, construction and installation of its plant facilities.

This provision shall also apply to the whole process of exploring and developing renewable energy sources up to its conversion into power, including but not limited to the services performed by subcontractors and/or contractors.

- h) *Cash Incentive of Renewable Energy Developers for Missionary Electrification.* – A renewable energy developer, established after the effectivity of this Act, shall be entitled to a cash generation-based incentive per kilowatt hour rate generated, equivalent to 50 percent of the universal charge for power needed to service missionary areas where it operates the same, to be chargeable against the universal charge for missionary electrification;
- i) *Tax Exemption of Carbon Credits.* – All proceeds from the sale of carbon emission credits shall be exempt from any and all taxes;
- (j) *Tax Credit on Domestic Capital Equipment and Services.* – A tax credit equivalent to 100 percent of the value of the value-added tax and custom duties that would have been paid on the RE machinery, equipment, materials and parts had these items been imported shall be given to an RE operating contract holder who purchases machinery, equipment, materials, and parts from a domestic manufacturer for purposes set forth in this Act: *Provided,* That prior approval by the DOE was

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obtained by the local manufacturer: *Provided, further*, That the acquisition of such machinery, equipment, materials, and parts shall be made within the validity of the RE operating contract.

SEC. 16. *Environmental Compliance Certificate (ECC).* – Notwithstanding Section 17(b)(3)(iii) of Republic Act No. 7160, it would be sufficient for the renewable energy developer to secure the Environmental Compliance Certificate (ECC) from the corresponding regional office of the DENR.

SEC. 17. *Exemption from the Universal Charge.* – Power and electricity generated through the RES for the generator’s own consumption and/or for free distribution in the off-grid areas shall be exempted from the payment of the universal charge provided for under Section 34 of Republic Act No. 9136.

SEC. 18. *Payment of Transmission Charges.* – A registered renewable energy developer producing power and electricity from an intermittent RE resource may opt to pay the transmission and wheeling charges of TRANSCO or its successors-in-interest on a per kilowatt-hour basis at a cost equivalent to the average per kilowatt-hour rate of all other electricity transmitted through the grid.

SEC. 19. *Hybrid and Cogeneration Systems.* – The tax exemptions and/or incentives provided for in Section 15 of this Act shall be availed of by registered RE Developer of hybrid and cogeneration systems utilizing both RE sources and conventional energy: *Provided, however*, That the tax exemptions and incentives shall apply only to the equipment, machinery and/or devices utilizing RE resources.

SEC. 20. *Intermittent RE Resources.* – TRANSCO or its successors-in-interest, in consultation with stakeholders, shall determine the maximum penetration limit of the Intermittent RE-based power plants to the Grid, through technical and economic analysis. Qualified and registered RE generating units with intermittent RE resources shall be considered “must dispatch” based on available energy and shall enjoy the benefit of priority dispatch. All provisions under the WESM Rules, Distribution and Grid Codes which do not allow “must dispatch” status for intermittent RE resources shall be deemed amended or modified. The PEMC and TRANSCO or its successors-in-interest shall implement technical mitigation and improvements in the system in order to ensure safety and reliability of electricity transmission.

As used in this Act, RE generating unit with intermittent RE resources refers to a RE generating unit or group of units connected to a common connection point whose RE energy resource is location-specific naturally difficult to precisely predict the availability of RE energy resource thereby making the energy generated variable, unpredictable and irregular and the availability of the resource inherently uncontrollable, which include plants utilizing wind, solar, run-of-river hydro or ocean energy.

SEC. 21. *Incentives for RE Commercialization.* – All manufacturers, fabricators and suppliers of locally-produced RE equipment and components duly recognized and accredited by the DOE, in consultation with DOST, DOF and DTI, shall, upon registration with the BOI, be entitled to the privileges set forth under this section.

Consistent with Article 7, Item (20) of EO No. 226, the registration with the BOI, as provided for in Section 15 and Section 21 of this Act, shall be carried out through an agreement and an administrative arrangement between the BOI and the DOE, with the end-view of facilitating the registration of qualified RE facilities based on the implementing rules and regulations that will be developed by DOE. It is further mandated that the applications for registration will be positively acted upon by BOI on the basis of the accreditation issued by DOE.

The Renewable Energy Sector is hereby declared a priority investment sector that will regularly form part of the country's Investment Priority Plan, unless declared otherwise by law. As such, all entities duly accredited by the DOE under this Act shall be entitled to all the incentives provided herein.

- a) *Tax and Duty-free Importation of Components, Parts and Materials.* – All shipments necessary for the manufacture and/or fabrication of RE equipment and components shall be exempted from importation tariff and duties and value-added tax (VAT): *Provided, however,* That the said components, parts and materials are: (i) not manufactured domestically in reasonable quantity and quality at competitive prices; (ii) directly and actually needed and shall be used exclusively in the manufacture/fabrication of RE equipment; and (iii) covered by shipping documents in the name of the duly registered manufacturer/fabricator to whom the shipment will be directly delivered by customs authorities: *Provided, further,* That prior approval of the DOE was obtained before the importation of such components, parts and materials.
- b) *Tax Credit on Domestic Capital Components, Parts and Materials.* – A tax credit equivalent to 100 percent of the amount of the value-added tax and customs duties that would have been paid on the components, parts and materials had these items been imported shall be given to an RE equipment manufacturer, fabricator, and supplier duly recognized and accredited by the DOE who purchases RE components, parts and materials from a domestic manufacturer: *Provided,* That such components, and parts are directly needed and shall be used exclusively by the RE manufacturer, fabricator and supplier for the manufacture, fabrication and sale of the RE equipment: *Provided, further,* That prior approval by the DOE was obtained by the local manufacturer.
- c) *Income Tax Holiday and Exemption.* – For seven years starting from the date of recognition/accreditation, an RE manufacturer, fabricator and supplier of RE equipment shall be fully exempt from income taxes levied by the National Government on net income derived only from the sale of RE equipment, machinery, parts and services; and
- d) *Zero-rated Value Added Tax Transactions.* – All manufacturers, fabricators and suppliers of locally produced renewable energy equipment shall be subject to zero-rated value-added tax on its transactions with local suppliers of goods, properties and services.

SEC. 22. Incentives for Farmers Engaged in the Plantation of Biomass Resources. – For a period of 10 years after the effectivity of this Act, all individuals and entities engaged in the plantation of crops and trees used as biomass resources such as, but not limited to, jatropha, coconut, and sugarcane, as certified by the Department of Energy, shall be entitled to duty-free importation and be exempted from value-added tax (VAT) on all types of agricultural inputs, equipment and machinery such as, but not limited to, fertilizer, insecticide, pesticide, tractor, trailers, trucks, farm implements and machinery, harvesters, threshers, hybrid seeds, genetic materials, sprayers, packaging machinery and materials, bulkhandling facilities, such as conveyors and mini-loaders, weighing scales, harvesting equipment, and spare parts of all agricultural equipment.

SEC. 23. Tax Rebate for Purchase of RE Components. – To encourage the adoption of RE technologies, the DOF, in consultation with DOST, DOE, and DTI, shall provide rebates for all or part of the tax paid for the purchase of RE equipment for residential, industrial, or community use. The DOF shall also prescribe the appropriate period for granting the tax rebates.

SEC. 24. Period of Grant of Fiscal Incentives. – The fiscal incentives granted under Section 15 of this Act shall apply to all RE capacities upon the effectivity of this Act. The National Renewable Energy Board,

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in coordination with the Department of Energy, shall submit a yearly report on the implementation of this Act to the Philippine Congress, through the Joint Congressional Power Commission, every January of each year following the period in review, indicating among others, the progress of RE development in the country and the benefits and impact generated by the development and utilization of its renewable energy resources in the context of its energy security and climate change imperatives. This shall serve as basis for the Joint Congressional Power Commissions review of the incentives as provided for in this Act towards ensuring the full development of the country's RE capacities under a rationalized market and incentives scheme.

SEC. 25. Registration of RE Developers and Local Manufacturers, Fabricators and Suppliers of Locally-Produced Renewable Energy Equipment. – RE Developers and local manufacturers, fabricators and suppliers of locally-produced renewable energy equipment shall register with the Department of Energy, through the Renewable Energy Management Bureau. Upon registration, a certification shall be issued to each RE Developer and local manufacturer, fabricator and supplier of locally-produced renewable energy equipment to serve as the basis of their entitlement to incentives provided under Chapter VII of this Act.

SEC. 26. Certification from the Department of Energy (DOE). – All certifications required to qualify RE developers to avail of the incentives provided for under this Act shall be issued by the DOE through the Renewable Energy Management Bureau.

The DOE, through the Renewable Energy Management Bureau shall issue said certification 15 days upon request of the renewable energy developer or manufacturer, fabricator or supplier: *Provided*, That the certification issued by the Department of Energy shall be without prejudice to any further requirements that may be imposed by the concerned agencies of the government charged with the administration of the fiscal incentives abovementioned.

CHAPTER VIII

GENERAL PROVISIONS

SECTION 27. Creation of the National Renewable Energy Board (NREB). – The NREB is hereby created. It shall be composed of a Chairman and one representative each from the following agencies: DOE, DTI, DOF, DENR, NPC, TRANSCO or its successors-in-interest, PNOC and PEMC who shall be designated by their respective secretaries on a permanent basis; and one representative each from the following sectors: RE Developers, Government Financial Institutions (GFIs), private distribution utilities, electric cooperatives, electricity suppliers and non-governmental organizations, duly endorsed by their respective industry associations and all to be appointed by the President of the Republic of the Philippines.

The Chairman shall, within one month from the effectivity of this Act, convene the NREB.

The NREB shall be assisted by a Technical Secretariat from the Renewable Energy Management Bureau of the DOE, created under Section 32 hereof, and shall directly report to the Office of the Secretary or the Undersecretary of the Department, as the case maybe, on matters pertaining to the activities of the NREB. The number of staff of the Technical Secretariat and the creation of corresponding positions necessary to complement and/or augment the existing plantilla of the REMB shall be determined by the Board, subject to approval by the Department of Budget and Management (DBM) and to existing civil service rules and regulations.

The NREB shall have the following powers and functions:

- a) Evaluate and recommend to the DOE the mandated RPS and minimum RE generation capacities in off-grid areas, as it deems appropriate;
- b) Recommend specific actions to facilitate the implementation of the National Renewable Energy Program (NREP) to be executed by the DOE and other appropriate agencies of government and to ensure that there shall be no overlapping and redundant functions within the national government departments and agencies concerned;
- c) Monitor and review the implementation of the NREP, including compliance with the RPS and minimum RE generation capacities in off-grid areas;
- d) Oversee and monitor the utilization of the Renewable Energy Trust Fund created pursuant to Section 28 of this Act and administered by the DOE; and
- e) Perform such other functions, as may be necessary, to attain the objectives of this Act.

SEC. 28. Renewable Energy Trust Fund (RETF). – A Renewable Energy Trust Fund is hereby established to enhance the development and greater utilization of renewable energy. It shall be administered by the DOE as a special account in any of the GFIs. The RETF shall be exclusively used to:

- a) Finance the research, development, demonstration, and promotion of the widespread and productive use of RE systems for power and non-power applications, as well as to provide funding for research and development institutions engaged in the renewable energy studies undertaken jointly through public-private sector partnership, including provision for scholarship and fellowship for energy studies;
- b) Support the development and operation of new RE resources to improve their competitiveness in the market: *Provided*, That the grant thereof shall be done through a competitive and transparent manner;
- c) Conduct nationwide resource and market assessment studies for the power and non-power applications of renewable energy systems;
- d) Propagate RE knowledge by accrediting, tapping, training, and providing benefits to institutions, entities and organizations which can extend the promotion and dissemination of RE benefits to the national and local levels; and
- e) Fund such other activities necessary or incidental to the attainment of the objectives of this Act.

Use of the fund may be through grants, loans, equity investments, loan guarantees, insurance, counterpart fund or such other financial arrangements necessary for the attainment of the objectives of this Act: *Provided*, That the use or allocation thereof shall, as far as practicable, be done through a competitive and transparent manner.

The RETF shall be funded from:

- a) Proceeds from the emission fees collected from all generating facilities consistent with Republic Act No. 8749 or the Philippine Clean Air Act;
- b) One and one-half percent of the net annual income of the Philippine Charity Sweepstakes Office;
- c) One and one-half percent of the net annual income of the Philippine Amusement and Gaming Corporation;
- d) One and one-half percent of the net annual dividends remitted to the National Treasury of the Philippine National Oil Company and its subsidiaries;

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- e) Contributions, grants and donations: *Provided*, That all contributions, grants and donations made to the RETF shall be tax deductible subject to the provisions of the National Internal Revenue Code. Towards this end, the BIR shall assist the DOE in formulating the Rules and Regulations to implement this provision;
- f) One and one-half percent of the proceeds of the government share collected from the development and use of indigenous non-renewable energy resources;
- g) Any revenue generated from the utilization of the RETF; and
- h) Proceeds from the fines and penalties imposed under this Act.

SEC. 29. Financial Assistance Program. – Government financial institutions such as the Development Bank of the Philippines (DBP), Land Bank of the Philippines (LBP), Phil-Exim Bank and other government financial institutions shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, provide preferential financial packages for the development, utilization and commercialization of RE projects as duly recommended and endorsed by the DOE.

SEC. 30. Adoption of Waste-to-Energy Technologies. – The DOE shall, where practicable, encourage the adoption of waste-to-energy facilities such as, but not limited to, biogas systems. The DOE shall, in coordination with the DENR, ensure compliance with this provision.

As used in this Act, waste-to-energy technologies shall refer to systems which convert to biodegradable materials such as, but not limited to, animal manure or agricultural waste, into useful energy through processes such as anaerobic digestion, fermentation and gasification, among others, subject to the provisions and intent of Republic Act No. 8749 (Clean Air Act of 1999) and Republic Act No. 9003 (Ecological Solid Waste Management Act of 2000).

SEC. 31. Incentives for RE Host Communities/LGUs. – Eighty percent of the share from royalty and/or government share of RE host communities/LGUs from RE projects and activities shall be used directly to subsidize the electricity consumption of end users in the RE host communities/LGUs whose monthly consumption do not exceed 100 kwh. The subsidy may be in the form of rebates, refunds and/or any other forms as may be determined by DOE, DOF and ERC, in coordination with NREB.

The DOE, DOF and ERC, in coordination with the NREB and in consultation with the distribution utilities shall promulgate the mechanisms to implement this provision within six months from the effectivity of this Act.

SEC. 32. Creation of the Renewable Energy Management Bureau. – For the purpose of implementing the provisions of this Act, a Renewable Energy Management Bureau (REMB) under the DOE is hereby established, and the existing Renewable Energy Management Division of the Energy Utilization Management Bureau of the DOE, whose plantilla shall form the nucleus of REMB, is hereby dissolved. The organizational structure and staffing complement of the REMB shall be determined by the Secretary of the DOE, in consultation with the Department of Budget and Management (DBM), in accordance with existing civil service rules and regulations. The budgetary requirements necessary for the creation of the REMB shall be taken from the current appropriations of the DOE. Thereafter, the funding for the REMB shall be included in the annual General Appropriations Act.

The REMB shall have the following powers and functions:

- a) Implement policies, plans and programs related to the accelerated development, transformation, utilization and commercialization of renewable energy resources and technologies;
- b) Develop and maintain a centralized, comprehensive and unified data and information base on renewable energy resources to ensure the efficient evaluation, analysis, and dissemination of data and information on renewable energy resources, development, utilization, demand and technology application;
- c) Promote the commercialization/application of renewable energy resources including new and emerging technologies for efficient and economical transformation, conversion, processing, marketing and distribution to end users;
- d) Conduct technical research, socio-economic and environmental impact studies of renewable energy projects for the development of sustainable renewable energy systems;
- e) Supervise and monitor activities of government and private companies and entities on renewable energy resources development and utilization to ensure compliance with existing rules, regulations, guidelines and standards;
- f) Provide information, consultation and technical training and advisory services to developers, practitioners and entities involved in renewable energy technology and develop renewable energy technology development strategies; and
- g) Perform other functions that may be necessary for the effective implementation of this Act and the accelerated development and utilization of the renewable energy resources in the country.

CHAPTER IX

FINAL PROVISIONS

SECTION 33. *Implementing Rules and Regulations (IRR).* – Within six months from the effectivity of this Act, the DOE shall, in consultation with the Senate and House of Representatives Committees on Energy, relevant government agencies and RE stakeholders, promulgate the IRR of this Act.

SEC. 34. *Congressional Oversight.* – Upon the effectivity of this Act, the Joint Congressional Power Commission created under Section 62 of Republic Act No. 9136, otherwise known as the “Electric Power Industry Reform Act of 2001” shall exercise oversight powers over the implementation of this Act.

SEC. 35. *Prohibited Acts.* – The following acts shall be prohibited:

- a) Non-compliance or violation of the RPS rules;
- b) Willful refusal to undertake net metering arrangements with qualified distribution grid users;
- c) Falsification or tampering of public documents or official records to avail of the fiscal and nonfiscal incentives provided under this Act;
- d) Failure and willful refusal to issue the single certificate referred to in Section 26 of this Act; and
- e) Noncompliance with the established guidelines that DOE will adopt for the implementation of this Act.

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SEC. 36. *Penalty Clause.* – Any person who willfully commits any of the prohibited acts enumerated under this Act, shall be imposed with the penalties provided herein. Any person, who willfully aids or abets the commission of a crime prohibited herein or who causes the commission of any such act by another, shall be liable in the same manner as the principal.

In the case of association, partnership or corporations, the penalty shall be imposed on the partner, president, chief operating officer, chief executive officer, directors or officers responsible for the violation.

The commission of any prohibited acts provided for under Section 35, upon conviction thereof, shall suffer the penalty of imprisonment of from one year to five years, or a fine ranging from a minimum of One Hundred Thousand Pesos (P100,000) to One Hundred Million Pesos (P100 million), or twice the amount of damages caused or costs avoided for noncompliance, whichever is higher, or both upon the discretion of the court.

The DOE is further empowered to impose administrative fines and penalties for any violation of the provisions of this Act, its IRR and other issuances relative to this Act.

This is without prejudice to the penalties provided for under existing environmental regulations prescribed by the DENR and/or any other concerned government agency.

SEC. 37. *Appropriations.* – Such sums as may be necessary for the initial implementation of this Act shall be taken from the current appropriations of the DOE. Thereafter, the fund necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 38. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SEC. 39. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Consistent with the foregoing paragraph and Section 13 of this Act, Section 1 of Presidential Decree No. 1442 or the Geothermal Resources Exploration and Development Act, insofar as the exploration of geothermal resources by the government, and Section 10(1) of Republic Act No. 7156, otherwise known as the “Mini-Hydro Electric Power Incentive Act,” insofar as the special privilege tax rate of 2 percent are hereby repealed, modified or amended accordingly.

SEC. 40. *Effectivity Clause.* – This Act shall take effect 15 days after its publication in at least two newspapers of general circulation.

Approved: December 16, 2008.

REPUBLIC ACT No. 9522
AN ACT TO AMEND CERTAIN PROVISIONS OF REPUBLIC ACT No. 3046,
AS AMENDED BY REPUBLIC ACT No. 5446, TO DEFINE THE ARCHIPELAGIC BASELINES
OF THE PHILIPPINES AND FOR OTHER PURPOSES

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

SECTION 1. Section 1 of Republic Act No. 3046, entitled “An Act to Define the Baselines of the Territorial Sea of the Philippines,” as amended by Section 1 of Republic Act No. 5446, is hereby amended to read as follows:

SECTION 1. The baselines of the Philippines archipelago are hereby defined and described specifically as follows:

Basepoint Number	Station Name	Location	World Geodetic System of 1984 (WGS 84) Coordinates		Distance to next basepoint (M)
			Latitude (N)	Longitude (E)	
1	PAB-01	Amianan Is.	21°6'57.73"	121°57'27.71"	70.08
2	PAB-02	Balintang Is.	19°57'38.19"	122°9'46.32"	99.17
3	PAB-04	Bigan Pt.	18°18'35.30"	122°20'19.07"	71.83
4	PAB-05A	Ditolong Pt.	17°7'16.30"	122°31'28.34"	1.05
5	PAB-05B	Ditolong Pt.	17°6'14.79"	122°31'43.84"	0.39
6	PAB-05	Ditolong Pt.	17°5'51.31"	122°31'42.66"	3.29
7	PAB-06	Spires Is.	17°2'36.91"	122°31'3.28"	9.74
8	PAB-06B	Digollorin Pt.	16°59'18.03"	122°27'56.61"	3.51
9	PAB-06C	Digollorin Rk.	16°49'56.11"	122°26'50.78"	2.40
10	PAB-07	Divimisa Pt.	16°47'38.86"	122°26'4.40"	30.94
11	PAB-08	Dinoban Pt.	16°18'44.33"	122°14'06.69"	116.26
12	PAB-10A	Tinaga Is.	14°29'54.43"	122°57'51.15"	80.29
13	PAB-11	Horodaba Rk.	14°6.29.91"	124°16'59.21"	0.54
14	PAB-12	Matulin Rk.	14°6.10.40"	124°17'26.28"	96.04
15	PAB-13	Atalaya Pt.	12°41'6.37"	125°3'53.71"	6.79
16	PAB-13A	Bacan Is.	12°36'18.41"	125°8'50.19"	5.52
17	PAB-14	Finch Rk.	12°32.33.62"	125°12'59.70"	0.80
18	PAB-14A	Cube Rk.	12°31.57.45"	125°13'32.37"	4.90
19	PAB-14D	NW Manjud Pt.	12°28'36.42"	125°17'12.32"	1.30
20	PAB-15	SE Manjud Pt.	12°27'37.51"	125°18'5.23"	7.09
21	PAB-16A	S Sorz Cay	12°21'41.64"	125°23'7.41"	5.68
22	PAB-16B	Panablihon	12°17'27.17"	125°27'0.12"	5.21
23	PAB-16C	Alugon	12°13'21.95"	125°30'19.47"	1.94
24	PAB-16D	N Bunga Pt.	12°11'48.16"	125°31'30.88"	0.54
25	PAB-17	E Bunga Pt.	12°11'20.67"	125°31'48.29"	5.71
26	PAB-18A	SE Tobabao Is.	12°6'7.00"	125°34'11.94"	83.94
27	PAB-19C	Suluán Is.	10°45'16.70"	125°58'8.78"	56.28
28	PAB-19D	N Tuason Pt.	9°49'59.58"	126°10'6.39"	57.44
29	PAB-20A	Arangasa Is.	8°53'16.62"	126°20'48.81"	40.69
30	PAB-21B	Sanco Pt.	8°13'11.53"	126°28'53.25"	30.80
31	PAB-22	Bagoso Is	7°42'45.02"	126°34'29.08"	12.95

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32	PAB-22C	Languyan	7°29'49.47"	126°35'59.24"	0.54
33	PAB-23	Languyan	7°29'16.93"	126°35'59.50"	0.76
34	PAB-23B	Languyan	7°28'30.97"	126°35'57.30"	1.2
35	PAB-23C	N Baculin Pt.	7°27'29.42"	126°35'51.31"	10.12
36	PAB-24	Pusan Pt.	7°17'19.80"	126°36'18.26"	1.14
37	PAB-24A	S Pusan Pt.	7°16'14.43"	126°35'57.20"	63.28
38	PAB-25B	Cape San Agustin	6°17'14.73"	126°12'14.40"	1.28
39	PAB-25	Cape San Agustin	6°16'8.35"	126°11'35.06"	67.65
40	PAB-26	SE Sarangani Is.	5°23'34.20"	125°28'42.11"	0.43
41	PAB-27	Pangil Bato Pt.	5°23'21.80"	125°28'19.59"	3.44
42	PAB-28	Tapundo Pt.	6°21'55.66"	126°25'11.21"	3.31
43	PAB-29	W Calia Pt.	5°21'58.48"	125°21'52.03"	0.87
44	PAB-30	Manamil Is.	5°22'2.91"	125°20'59.73"	1.79
45	PAB-31	Marampog Pt.	5°23'20.18"	125°19'44.29"	78.42
46	PAB-32	Pola Pt.	6°9'8.44"	124°15'42.81"	122.88
47	PAB-33A	Kantuan Is	6°26'47.22"	122°13.34.50"	29.44
48	PAB-34A	Tongquil Is.	6°2'33.77"	121°56'36.20"	2.38
49	PAB-35	Tongquil Is	6°1'8.51"	121°54'41.45"	1.72
50	PAB-35A	Tongquil Is.	6°0'17.88"	121°63'11.17"	85.94
51	PAB-38A	Kirapusan Is	5°12'8.70"	120°41'38.14"	55.24
52	PAB-39	Manuk Manka Is.	4°47'39.24"	119°51'58.08"	43.44
53	PAB-40	Frances Reef	4°24'53.84"	119°14'50.71	0.61
54	PAB-40A	Frances Reef	4°25'3.83"	119°14'15.15"	15.48
55	PAB-41A	Bajapa Reef	4°36'9.01"	119°3'22.75"	6.88
56	PAB-42A	Paguan Is.	4°42'52.07"	119°1'44.04"	8.40
57	PAB-43	Alice Reef	4°45'55.25"	119°3'15.19"	2.28
58	PAB-44	Alice Reef	4°47'5.36"	119°5'12.94"	18.60
59	PAB-45	Omapoy Rk.	4°55'10.45"	119°22'1.30	23.37
60	PAB-46	Bukut Lapis Pt.	5°2'23.73"	119°44'18.14"	44.20
61	PAB-47	Pearl Bank	5°46'35.15"	119°39'51.77"	75.17
62	PAB-48	Bagnan Is.	6°5'58.41"	118°26'57.30"	8.54
63	PAB-48A	Taganak Is	6°4'14.08"	118°18'33.33"	13.46
64	PAB-49	Great Bakkungaan Is.	6°11'4.65"	118°6'54.15"	3.97
65	PAB-50	Libiman Is.	6°13'39.90"	118°3'52.09"	5.53
66	PAB-51	Sibaung Is.	6°17'43.99"	118°0'5.44"	41.60

67	PAB-52	Muligi Is.	6°52'14.53"	118°23'40.49"	75.06
68	PAB-53	South Mangsee Is.	7°30'26.05"	117°18'33.75"	26.00
69	PAB-54	Balabac Is.	7°48'30.69"	116°59'39.18"	6.08
70	PAB-54A	Balabac Great Reef	7°51'27.17"	116°54'17.19"	1.18
71	PAB-54B	Balabac Great Reef	7°52'19.86"	116°53'28.73"	2.27
72	PAB-55	Balabac Great Reef	7°54'36.35"	116°53'16.64"	5.42
73	PAB-60	Ada Reef	8°2'0.26"	116°54'10.04"	10.85
74	PAB-61	Secam Is.	8°11'18.36"	116°59'51.87"	30.88
75	PAB-62	Latua Pt.	8°8'56.37"	117°15'51.23"	7.91
76	PAB-63	SW Tatub Pt.	8°44'17.40"	117°20'39.37"	11.89
77	PAB-63A	W Sicud Pt.	8°53'32.20"	117°28'15.78"	13.20
78	PAB-64	Tarumpitao Pt.	9°2.57.47"	117°37'38.88"	81.12
79	PAB-64B	Dry Is.	9°59'22.54"	118°36'53.61"	82.76
80	PAB-65C	Sinangcolan Pt.	11°13'19.82"	119°15'17.74"	74.65
81	PAB-67	Pinnacle Rk.	12°19'35.22"	119°50'56.00"	93.88
82	PAB-68	Cabra Is.	13°53'24.45"	120°1'5.86"	115.69
83	PAB-71	Hermana Mayor Is.	15°48'43.61"	119°46'56.09"	9.30
84	PAB-72	Tambobo Pt.	15°57'61.67"	119°44'55.32"	12.06
85	PAB-72B	Rena Pt.	16°9'57.90"	119°45'15.76"	0.25
86	PAB-73	Rena Pt.	16°10'12.42"	119°45'11.95"	6.43
87	PAB-74	Rocky Ledge	16°16'34.46"	119°46'19.50"	0.65
88	PAB-74A	Piedra Pt.	16°37'12.70"	119°46'28.62"	1.30
89	PAB-75	Piedra Pt.	16°18'29.49"	119°46'44.94"	1.04
90	PAB-75C	Piedra Pt.	16°19'28.20"	119°47'7.69"	0.63
91	PAB-75D	Piedra Pt.	16°20'4.38"	119°47'20.48"	80.60
92	PAB-76	Dile Pt.	17°34'24.94"	120°20'33.36"	6.86
93	PAB-77	Pinget Is.	17°41'17.56"	120°21'2.20"	14.15
94	PAB-78	Baboc Is.	17°55'4.13"	120°24'40.56"	35.40
95	PAB-79	Cape Bojeador	18°29'32.42"	120°33'42.41"	1.77
96	PAB-79B	Bobon	18°30'52.88"	120°34'55.35"	58.23
97	PAB-80	Calagangan Pt.	19°10'14.78"	121°12'52.64"	98.07
98	PAB-82	Itbayat Is.	20°43'15.74"	121°46'57.80"	25.63
99	PAB-83	Amianan Is.	21°7'17.47"	121°56'43.85"	0.08
100	PAB-84	Amianan Is.	21°7'18.41"	121°56'48.79"	0.25
101	PAB-85	Amianan Is.	21°7'12.04"	121°57'3.65"	0.44

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SEC. 2. The baseline in the following areas over which the Philippines likewise exercises sovereignty and jurisdiction shall be determined as “Regime of Islands” under the Republic of the Philippines consistent with Article 121 of the United Nations Convention on the Law of the Sea (UNCLOS):

- a) The Kalayaan Island Group as constituted under Presidential Decree No. 1596; and
- b) Bajo de Masinloc, also known as Scarborough Shoal.

SEC. 3. This Act affirms that the Republic of the Philippines has dominion, sovereignty and jurisdiction over all portions of the national territory as defined in the Constitution and by provisions of applicable laws including, without limitation, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, as amended.

SEC. 4. This Act, together with the geographic coordinates and the chart and maps indicating the aforesaid baselines, shall be deposited and registered with the Secretary General of the United Nations.

SEC. 5. The National Mapping and Resource Information Authority (NAMRIA) shall forthwith produce and publish charts and maps of the appropriate scale clearly representing the delineation of basepoints and baselines as set forth in this Act.

SEC. 6. The amount necessary to carry out the provisions of this Act shall be provided in a supplemental budget or included in the General Appropriations Act of the year of its enactment into law.

SEC. 7. If any portion or provision of this Act is declared unconstitutional or invalid the other portions or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 8. The provisions of Republic Act No. 3046, as amended by Republic Act No. 5446, and all other laws, decrees, executive orders, rules and issuances inconsistent with this Act are hereby amended or modified accordingly.

SEC. 9. This Act shall take effect 15 days following its publication in the Official Gazette or in any two newspaper of general circulation.

Approved: March 10, 2009.

EXECUTIVE ORDER No. 277
AMENDING SECTION 68 OF PRESIDENTIAL DECREE No. 705, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED FORESTRY CODE OF THE PHILIPPINES, FOR THE PURPOSE
OF PENALIZING POSSESSION OF TIMBER OR OTHER FOREST PRODUCTS WITHOUT THE LEGAL
DOCUMENTS REQUIRED BY EXISTING FOREST LAWS, AUTHORIZING THE CONFISCATION OF
ILLEGALLY CUT, GATHERED, REMOVED AND POSSESSED FOREST PRODUCTS, AND GRANTING
REWARDS TO INFORMERS OF VIOLATIONS OF FORESTRY LAWS, RULES AND REGULATIONS

WHEREAS, there is an urgency to conserve the remaining forest resources of the country for the benefit and welfare of the present and future generations of Filipinos;

WHEREAS, our forest resources may be effectively conserved and protected through the vigilant enforcement and implementation of our forestry laws, rules and regulations;

WHEREAS, the implementation of our forest laws suffers from technical difficulties, due to certain inadequacies in the penal provisions of the Revised Forestry Code of the Philippines; and

WHEREAS, to overcome these difficulties, there is a need to penalize certain acts to make our forestry laws more responsive to present situations and realities;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1. Section 68 of Presidential Decree (PD) No. 705, as amended, is hereby amended to read as follows:

SEC. 68. *Cutting, Gathering and/or collecting Timber, or Other Forest Products Without License.*

– Any person who shall cut, gather, collect, remove timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code: *Provided*, That in the case of partnerships, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

The court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found.

SEC. 2. Presidential Decree No. 705, as amended, is hereby further amended by adding Sections 68-A and 68-B which shall read as follows:

SEC. 68-A. *Administrative Authority of the Department Head or His Duly Authorized Representative to Order Confiscation.* – In all cases of violations of this Code or other forest laws, rules and regulations, the Department Head or his duly authorized representative, may order the

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confiscation of any forest products illegally cut, gathered, removed or possessed or abandoned, and all conveyances used either by land, water or air in the commission of the offense and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter.

SEC. 68-B. Rewards to Informants. – Any person who shall provide any information leading to the apprehension and conviction of any offender for any violation of this Code or other forest laws, rules and regulations, or confiscation of forest products shall be given a reward in the amount of 20 per centum of the proceeds of the confiscated forest products.

SEC. 3. All laws, orders, issuances, rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

SEC. 4. This Executive Order shall take effect after 15 days following its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved: July 25, 1987.

EXECUTIVE ORDER No. 23

DECLARING A MORATORIUM ON THE CUTTING AND HARVESTING OF TIMBER IN THE NATURAL AND RESIDUAL FORESTS AND CREATING THE ANTI-ILLEGAL LOGGING TASK FORCE

WHEREAS, the entire country has been a witness to the ever-changing climatic conditions brought about by the La Niña phenomenon;

WHEREAS, the destructive effects of the phenomenon on the environment are apparent in many regions in the country and it is an accepted fact that the effects are worsened due to the continuous denudation of the forest zones;

WHEREAS, the watersheds and the river systems supporting existing or proposed hydroelectric power facilities, irrigation works or existing water facilities are in need of immediate protection and rehabilitation;

WHEREAS, it is the obligation of the State to protect the remaining forest cover areas of the country not only to prevent flash floods and hazardous flooding but also to preserve biodiversity, protect threatened habitats and sanctuaries of endangered and rare species, and allow natural regeneration of residual

WHEREAS, it is imperative to arrest the degradation, pollution and contamination of the river and water systems and to stem the wanton destruction of the forest resources;

WHEREAS, Article XII, Section 2 of the 1987 Philippine Constitution provides that “the exploration, development, and utilization of natural resources shall be under the full control and supervision of the State.”

NOW, THEREFORE, I BENIGNO S. AQUINO, III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Definition of Terms. – For the purpose of this Executive Order, the following terms shall be defined:

- 1.1 **Forest Land** – it includes public forest, permanent forest or forest reserves, and forest reservations.
- 1.2 **Natural and Residual Forests** – are forests composed of indigenous trees, not planted by man.
- 1.3 **Plantation Forest** – is a forest where the trees were planted pursuant to a management agreement with the DENR.
- 1.4 **Integrated Forest Management Agreement (IFMA)** – is a production sharing contract entered into by and between the DENR and a qualified applicant wherein the DENR grants to the latter exclusive right to develop, manage, protect and utilize a specified area of forest land and forest resources therein for a specified period consistent with the principle of sustainable development and in accordance with an approved Comprehensive Development and Management Plan (CDMP).
- 1.5 **Socialized Integrated Forest Management Agreement (SIFMA)** – is an agreement entered into by and between a natural or juridical person and the DENR wherein the latter grants to the former the right to develop, utilize and manage a small tract of forest land consistent with the principle of sustainable development.

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- 1.6 **Community-Based Forest Management (CBFMA)** – is an agreement entered into by and between the government and the local community in a locality, represented by a people’s organization as forest managers, for a specific period wherein the local community is allowed to develop, utilize and manage a small tract of forest land consistent with the principle of sustainable development.
- 1.7 **National Greening Program** – is a DA-DENR-DAR Convergence Initiative anchored on the government’s goal of poverty reduction, food, security, climate change adaptation and mitigation.

SEC. 2. *Moratorium on the Cutting and Harvesting of Timber in the Natural Forests.* – A moratorium on the cutting and harvesting of timber in the natural and residual forests of the entire country is hereby declared unless lifted after the effectivity of this Executive Order. In order to implement this policy, the following are hereby instituted:

- 2.1 The DENR is henceforth hereby prohibited from issuing logging contracts/agreements in all natural and residual forests, such as Integrated Forest Management Agreements (IFMA), Socialized Integrated Forest Management Agreements (SIFMA), Community-Based Forest Management Agreement (CBFMA) and other agreements/contracts with logging components in natural and residual forests;
- 2.2 The DENR is likewise prohibited from issuing/renewing tree cutting permits in all natural and residual forests nationwide, except for clearing of road right of way by the DPWH, site preparation for tree plantations, silvicultural treatment and similar activities, provided that all logs derived from the said cutting permits shall be turned over to the DENR for proper disposal. Tree cutting associated with cultural practices pursuant to the Indigenous Peoples Right Act (IPRA Law) may be allowed only subject to strict compliance with existing guidelines of the DENR;
- 2.3 The DENR shall review/evaluate all existing IFMAs, SIFMAs, CBFMAs and other forestry agreements/contracts and immediately terminate/cancel the agreements of those who have violated the terms and conditions of their contracts/agreements as well as existing forest laws, rules and regulations at least twice. Furthermore, said agreements shall likewise be immediately terminated/cancelled if the holders thereof engage in logging activities in any natural or residual forest or abet the commission of the same;
- 2.4 The DENR shall strictly implement a forest certification system in accordance with the United Nations standard/guidelines to ascertain the sustainability of legal sources and chain of custody of timber and wood products, nationwide;
- 2.5 The DENR shall close and not allow to operate all sawmills, veneer plants and other wood processing plants who are unable to present proof of sustainable sources of legally cut logs for a period of at least five years within one month from effectivity of this Executive Order;
- 2.6 The DENR through the DA-DENR-DAR Convergence Initiative, shall develop a National Greening Program NGP in cooperation with the Department of Education (DepEd) and the Commission on Higher Education (CHED) to initiate the educational drive campaign; the Department of the Interior and Local Government (DILG) to help in establishing communal tree farms for firewood and other purposes; the Department of Social Welfare and Development (DSWD) to identify the upland farmers covered by the NGP as priority

beneficiaries of the conditional cash transfer program; the Department of Budget and Management (DBM) to provide the funds for the production of quality seedlings for the NGP from available funds of the government; and the private sector and other concerned agencies/institutions to raise funds and resources for tree planting.

2.7 The Department of Education shall be given priority in the use of all confiscated logs.

SEC. 3. Creation of the Anti-Illegal Logging Task Force. – To enforce the moratorium and lead the anti-illegal logging campaign, an Anti-Illegal Logging Task Force is hereby created. The Task Force shall be composed of the DENR Secretary or his duly authorized representative as Chairman and the Secretary of the Department of the Interior and Local Government, the Secretary of the Department of National Defense, the Chief of the Philippine National Police, the Chief of Staff of the Armed Forces of the Philippines or their respective authorized representatives, as members.

3.1 *Mandate.* – The Task Force is hereby mandated to take the lead in the anti-illegal logging campaign and ensure the implementation of this Executive Order under the supervision of the DENR. It shall also assist the DENR in the enforcement of other environmental laws.

3.2 *Support from Government Offices and Agencies.* – The Task Force may call upon the support of any department, bureau and office of the executive branch to assist in the discharge of its functions, such as but not limited to the provision of administrative or technical assistance, logistical support and detail of personnel. The DENR shall provide the secretariat for the Task Force.

3.3 *Budgetary Support.* – The Department of Budget and Management shall provide the DENR an initial budget for the Task Force in the amount of Ten Million Pesos (P10 Million) which shall be sourced from the available funds of the government. Release of the additional amounts shall be subject to the approval of the President.

SEC. 4. Repealing Clause. – All executive orders, rules, and regulations and other issuances or parts thereof which are inconsistent with this Executive Order are hereby revoked, amended, and/or modified accordingly.

SEC. 5. Implementing Guidelines. – Upon its formation, the Task Force shall immediately formulate the guidelines for the implementation of the policies set forth in this Executive Order.

SEC. 6. Effectivity. – This Executive Order shall take effect immediately after publication in a newspaper of general circulation.

Approved: February 1, 2011.

