



HOUSE OF REPRESENTATIVES

H. No. 6738

BY REPRESENTATIVES MELLANA, MATUGAS, LIMKAICHONG, UNGAB, PARAS, BATOCABE, PLAZA, VERGARA, PADILLA, GULLAS, CELESTE, CABALUNA, GARCIA-ALBANO, MIRAFLORES, YAP (A.), HATAMAN-SALLIMAN, RAMOS, ROMAN, BARZAGA, GARIN (S.), MERCADO (H.), OCAMPOS, RODRIGUEZ (R.), UNABIA, PANOTES, PICHAY, SACDALAN, YAP (S.), DY AND SALIMBANGON, PER COMMITTEE REPORT NO. 2495

AN ACT ESTABLISHING THE AGUSAN MARSH SITUATED IN THE MUNICIPALITIES OF TALACOGON, SAN FRANCISCO, ROSARIO, BUNAWAN, LORETO AND LA PAZ, AGUSAN DEL SUR AS PROTECTED AREA UNDER THE CATEGORY OF WILDLIFE SANCTUARY, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

1 CHAPTER I

2 INTRODUCTORY PROVISIONS

3 SECTION 1. *Short Title.* — This Act shall be known and cited as the
4 “Agusan Marsh Wildlife Sanctuary (AMWS)”.

5 SEC. 2. *Definition of Terms.* — For purposes of this Act, the following
6 terms are defined:

7 (a) *Ancestral domains/ancestral lands* shall refer to all areas generally
8 belonging to indigenous cultural communities comprising lands, inland waters
9 and natural resources therein, held under a claim of ownership, occupied or
10 possessed by indigenous cultural communities, by themselves or through their

1 ancestors, communally or individually since time immemorial, continuously to
2 the present except when interrupted by war, force majeure or displacement by
3 force, deceit, stealth or as a consequence of government projects or any other
4 voluntary dealings entered into by government and private individuals or
5 corporations, and which are necessary to ensure their economic, social and
6 cultural welfare. It shall include ancestral lands, forests, pasture, residential,
7 agricultural and other lands individually owned, whether alienable and
8 disposable or otherwise, hunting grounds, burial grounds, worship areas,
9 bodies of water, mineral and other natural resources, and lands which may no
10 longer be exclusively occupied by indigenous cultural communities but from
11 which they traditionally had access to for their subsistence and traditional
12 activities, particularly the home ranges of indigenous cultural communities
13 who are still nomadic and/or shifting cultivators.

14 (b) *Biodiversity* shall refer to the variety and variability among all
15 living organisms and the ecological complex in which they occur.

16 (c) *Conservation* shall refer to preservation and sustainable utilization
17 of wildlife, and/or maintenance, restoration and enhancement of the habitat. It
18 also refers to the optimum use and management of natural resources in order to
19 meet the needs and aspirations of the present and the future.

20 (d) *Ecosystem* shall refer to dynamic complex of plant, animal and
21 microorganism communities and their physical environment interacting as a
22 functional unit.

23 (e) *Ecotourism* shall refer to a kind of tourism wherein no damage to
24 the ecology is sustained by the influx of visitors to the AMWS.

25 (f) *Indigenous Cultural Communities or Indigenous Peoples*
26 (*ICCs/IPs*) shall refer to the Indigenous Cultural Communities/Indigenous
27 Peoples as defined in Republic Act No. 8371 or The Indigenous Peoples

1 Rights Act of 1997 (IPRA), specifically the Manobos who reside within or are
2 substantially dependent on the protected area.

3 (g) *Management Plan* shall refer to the fundamental plan, strategy
4 and/or scheme which shall guide all activities relating to the AMWS in order to
5 attain the objectives of this Act.

6 (h) *Multiple-use zone* shall refer to an area where settlement,
7 traditional and/or sustainable land use, including agriculture, agro-forestry,
8 extraction activities and other income generating or livelihood activities, may
9 be allowed to the extent prescribed in the Integrated Protected Area/Protected
10 Area Management Plan.

11 (i) *National park* shall refer to the land of the public domain
12 classified as such in the 1987 Constitution which includes all areas under the
13 National Integrated Protected Areas System (NIPAS) pursuant to Republic Act
14 No. 7586 or the NIPAS Act primarily designated for the conservation of native
15 plants and animals, their associated habitats and cultural diversity.

16 (j) *Nongovernmental organizations (NGOs)* shall refer to nonstock,
17 nonprofit organizations with qualifications, expertise and objectivity in
18 activities concerning community organizing and development, or resource and
19 environmental conservation, management and protection related to the
20 protected area.

21 CHAPTER II

22 PROTECTED AREA

23 SEC. 3. *Establishment of the Agusan Marsh Wildlife Sanctuary*
24 *(AMWS)*. – The AMWS, as delineated in Section 5 herein, is hereby declared
25 a protected area under the NIPAS Act. All lands of the public domain
26 comprising the AMWS shall fall under the classification of national park as
27 provided for in the Philippine Constitution.

1 SEC. 4. *Application of the NIPAS Act.* – This Act shall be
 2 implemented in conjunction with and in conformity with the provisions of the
 3 NIPAS Act, unless otherwise provided. Save for the provisions which are
 4 specifically incorporated herein by reference, the provisions of the NIPAS Act
 5 as well as the definition of terms found therein, insofar as they are applicable,
 6 shall apply in a supplementary character to the provisions of this Act.

7 SEC. 5. *Scope and Coverage.* – The AMWS is located in the
 8 municipalities of Talacogon, San Francisco, Rosario, Bunawan, Loreto and
 9 La Paz, all in the Province of Agusan del Sur, and covers a total area of forty
 10 thousand nine hundred thirty-two and 0.82 (40,932.82) hectares, more
 11 particularly described as follows:

12 Beginning at a point marked "1" on the map, being N. 72° 56' 11" W.,
 13 8,827.51 meters from BLLM 1 of Talacogon, Agusan del Sur (BLLM 1 Lat. 8°
 14 27' 25.087" Long. 125° 47' 1.367"),

15	Thence	N. 24° 57' 19" W.	593.82 m.	to corner	2;
16	Thence	N. 01° 15' 29" E.	611.12 m.	to corner	3;
17	Thence	N. 51° 40' 09" E.	346.13 m.	to corner	4;
18	Thence	N. 44° 42' 32" E.	50.11 m.	to corner	5;
19	Thence	S. 76° 18' 04" E.	399.89 m.	to corner	6;
20	Thence	S. 82° 54' 08" E.	880.23 m.	to corner	7;
21	Thence	S. 23° 00' 56" E.	1,467.61 m.	to corner	8;
22	Thence	S. 22° 46' 11" E.	3,099.57 m.	to corner	9;
23	Thence	S. 81° 31' 51" E.	1,922.01 m.	to corner	10;
24	Thence	S. 24° 16' 55" E.	1,481.29 m.	to corner	11;
25	Thence	N. 63° 32' 46" E.	7,486.12 m.	to corner	12;
26	Thence	N. 07° 42' 20" W.	738.94 m.	to corner	13;
27	Thence	N. 60° 49' 33" E.	5,748.40 m.	to corner	14;

1	Thence	S. 40° 47' 34" E.	623.03 m.	to corner	15;
2	Thence	S. 39° 23' 27" E.	311.59 m.	to corner	16;
3	Thence	S. 03° 37' 35" E.	241.73 m.	to corner	17;
4	Thence	S. 55° 51' 21" E.	588.95 m.	to corner	18;
5	Thence	S. 29° 07' 12" W.	677.21 m.	to corner	19;
6	Thence	N. 74° 22' 04" E.	262.68 m.	to corner	20;
7	Thence	S. 12° 23' 22" E.	429.95 m.	to corner	21;
8	Thence	S. 39° 45' 03" W.	307.47 m.	to corner	22;
9	Thence	S. 62° 23' 00" W.	542.42 m.	to corner	23;
10	Thence	S. 52° 07' 59" E.	255.51 m.	to corner	24;
11	Thence	S. 81° 08' 49" E.	383.11 m.	to corner	25;
12	Thence	S. 24° 34' 06" E.	684.30 m.	to corner	26;
13	Thence	S. 26° 43' 58" W.	282.35 m.	to corner	27;
14	Thence	S. 39° 05' 18" E.	402.40 m.	to corner	28;
15	Thence	N. 47° 32' 20" E.	695.75 m.	to corner	29;
16	Thence	N. 73° 59' 58" E.	115.69 m.	to corner	30;
17	Thence	N. 50° 55' 14" E.	226.97 m.	to corner	31;
18	Thence	S. 07° 02' 01" E.	423.43 m.	to corner	32;
19	Thence	S. 70° 04' 51" E.	417.33 m.	to corner	33;
20	Thence	N. 72° 18' 29" E.	164.79 m.	to corner	34;
21	Thence	S. 25° 36' 26" E.	176.33 m.	to corner	35;
22	Thence	S. 24° 44' 19" W.	393.76 m.	to corner	36;
23	Thence	S. 24° 43' 25" W.	502.74 m.	to corner	37;
24	Thence	S. 08° 44' 23" W.	664.64 m.	to corner	38;
25	Thence	S. 61° 12' 31" E.	267.68 m.	to corner	39;
26	Thence	N. 38° 26' 37" E.	230.25 m.	to corner	40;
27	Thence	S. 34° 30' 56" E.	183.03 m.	to corner	41;

1	Thence	S. 25° 22' 28" W.	284.15 m.	to corner 42;
2	Thence	N. 56° 43' 37" E.	228.50 m.	to corner 43;
3	Thence	N. 86° 50' 49" E.	446.92 m.	to corner 44;
4	Thence	S. 03° 50' 38" E.	241.79 m.	to corner 45;
5	Thence	S. 45° 56' 54" W.	513.46 m.	to corner 46;
6	Thence	N. 88° 56' 58" E.	199.64 m.	to corner 47;
7	Thence	S. 22° 27' 50" W.	246.32 m.	to corner 48;
8	Thence	N. 87° 18' 05" E.	170.99 m.	to corner 49;
9	Thence	S. 40° 54' 24" W.	238.75 m.	to corner 50;
10	Thence	S. 46° 33' 57" E.	247.60 m.	to corner 51;
11	Thence	S. 89° 34' 21" W.	116.65 m.	to corner 52;
12	Thence	N. 55° 27' 52" W.	275.75 m.	to corner 53;
13	Thence	S. 85° 38' 49" W.	206.85 m.	to corner 54;
14	Thence	N. 26° 41' 46" W.	154.30 m.	to corner 55;
15	Thence	S. 36° 30' 18" W.	447.37 m.	to corner 56;
16	Thence	S. 17° 44' 32" W.	262.13 m.	to corner 57;
17	Thence	N. 78° 23' 14" W.	195.98 m.	to corner 58;
18	Thence	S. 42° 23' 57" W.	394.10 m.	to corner 59;
19	Thence	S. 02° 14' 10" E.	213.48 m.	to corner 60;
20	Thence	S. 72° 40' 51" W.	206.39 m.	to corner 61;
21	Thence	N. 27° 37' 47" W.	182.87 m.	to corner 62;
22	Thence	S. 80° 27' 35" W.	215.52 m.	to corner 63;
23	Thence	N. 24° 23' 22" W.	203.57 m.	to corner 64;
24	Thence	N. 44° 11' 19" W.	277.14 m.	to corner 65;
25	Thence	N. 65° 46' 09" W.	196.75 m.	to corner 66;
26	Thence	S. 05° 54' 18" W.	299.76 m.	to corner 67;
27	Thence	N. 87° 57' 40" W.	207.17 m.	to corner 68;

1	Thence	S. 36° 18' 00" E.	374.13 m.	to corner 69;
2	Thence	N. 79° 23' 28" W.	433.62 m.	to corner 70;
3	Thence	S. 33° 46' 57" W.	317.51 m.	to corner 71;
4	Thence	S. 33° 55' 27" E.	373.66 m.	to corner 72;
5	Thence	S. 87° 48' 18" W.	219.34 m.	to corner 73;
6	Thence	S. 39° 21' 14" E.	186.15 m.	to corner 74;
7	Thence	S. 16° 12' 20" W.	115.52 m.	to corner 75;
8	Thence	S. 74° 58' 49" W.	136.68 m.	to corner 76;
9	Thence	N. 48° 36' 26" W.	166.00 m.	to corner 77;
10	Thence	S. 15° 21' 46" E.	320.76 m.	to corner 78;
11	Thence	S. 77° 56' 06" W.	377.96 m.	to corner 79;
12	Thence	S. 20° 33' 52" E.	278.37 m.	to corner 80;
13	Thence	N. 66° 24' 54" W.	353.63 m.	to corner 81;
14	Thence	S. 06° 06' 45" E.	346.07 m.	to corner 82;
15	Thence	S. 66° 06' 17" W.	224.66 m.	to corner 83;
16	Thence	S. 37° 58' 20" E.	226.09 m.	to corner 84;
17	Thence	N. 72° 54' 31" E.	408.48 m.	to corner 85;
18	Thence	S. 11° 38' 03" W.	592.02 m.	to corner 86;
19	Thence	S. 73° 30' 05" E.	1,782.78 m.	to corner 87;
20	Thence	S. 27° 56' 38" E.	766.18 m.	to corner 88;
21	Thence	S. 63° 02' 04" E.	3,601.83 m.	to corner 89;
22	Thence	S. 33° 45' 20" W.	1,332.56 m.	to corner 90;
23	Thence	S. 75° 41' 58" W.	1,246.62 m.	to corner 91;
24	Thence	S. 27° 14' 38" E.	1,490.76 m.	to corner 92;
25	Thence	S. 20° 10' 06" E.	8,575.88 m.	to corner 93;
26	Thence	S. 57° 15' 15" W.	5,086.65 m.	to corner 94;
27	Thence	S. 40° 22' 39" W.	2,133.14 m.	to corner 95;

1	Thence	S. 04° 12' 54" W.	1,748.13 m.	to corner 96;
2	Thence	S. 05° 05' 00" E.	1,152.51 m.	to corner 97;
3	Thence	S 75° 10' 52" W.	836.91 m.	to corner 98;
4	Thence	S. 28° 21' 46" E.	364.76 m.	to corner 99;
5	Thence	S. 02° 56' 41" E.	798.65 m.	to corner 100;
6	Thence	S. 41° 41' 24" E.	4,475.93 m.	to corner 101;
7	Thence	S. 86° 49' 25" W.	2,599.33 m.	to corner 102;
8	Thence	S. 03° 27' 07" E.	1,434.19 m.	to corner 103;
9	Thence	S. 87° 29' 44" E.	2,799.81 m.	to corner 104;
10	Thence	S. 67° 12' 01" E.	570.13 m.	to corner 105;
11	Thence	S. 63° 13' 10" W.	2,096.62 m.	to corner 106;
12	Thence	S. 83° 02' 17" W	822.54 m.	to corner 107;
13	Thence	N. 60° 41' 49" W.	1,674.03 m.	to corner 108;
14	Thence	N. 35° 47' 49" E.	492.72 m.	to corner 109;
15	Thence	N. 11° 24' 06" W.	607.62 m.	to corner 110;
16	Thence	N. 79° 07' 10" W.	384.61 m.	to corner 111;
17	Thence	S. 03° 42' 43" W.	366.21 m.	to corner 112;
18	Thence	S. 22° 49' 24" W.	880.68 m.	to corner 113;
19	Thence	S. 18° 14' 33" W.	755.78 m.	to corner 114;
20	Thence	S. 33° 51' 22" W.	656.28 m.	to corner 115;
21	Thence	S. 62° 34' 28" E.	402.98 m.	to corner 116;
22	Thence	S. 13° 38' 08" W.	449.42 m.	to corner 117;
23	Thence	S. 36° 52' 50" W.	231.11 m.	to corner 118;
24	Thence	S. 85° 58' 22" W.	2,699.29 m.	to corner 119;
25	Thence	N. 61° 05' 26" E.	711.96 m.	to corner 120;
26	Thence	N. 33° 27' 04" E.	559.82 m.	to corner 121;

1	Thence	N. 22° 15' 26" W.	734.38 m.	to corner 122;
2	Thence	N. 08° 44' 12" E.	1,241.30 m.	to corner 123;
3	Thence	N. 05° 00' 34" E.	1,261.90 m.	to corner 124;
4	Thence	N. 86° 56' 34" E.	379.70 m.	to corner 125;
5	Thence	N. 01° 32' 51" W.	602.42 m.	to corner 126;
6	Thence	N. 10° 54' 15" E.	769.78 m.	to corner 127;
7	Thence	N 10° 09' 55" E.	432.26 m.	to corner 128;
8	Thence	N. 16° 07' 32" W.	826.91 m.	to corner 129;
9	Thence	S. 57° 22' 40" W.	1,526.21 m.	to corner 130;
10	Thence	N. 79° 04' 35" W.	624.28 m.	to corner 131;
11	Thence	S. 89° 35' 23" W.	294.72 m.	to corner 132;
12	Thence	N. 17° 54' 07" W.	1,305.56 m.	to corner 133;
13	Thence	S. 89° 47' 38" E.	400.42 m.	to corner 134;
14	Thence	N. 56° 37' 33" W.	238.85 m.	to corner 135;
15	Thence	N. 30° 26' 54" W.	716.00 m.	to corner 136;
16	Thence	N. 03° 02' 12" W.	842.07 m.	to corner 137;
17	Thence	N. 17° 01' 56" E.	334.20 m.	to corner 138;
18	Thence	N. 31° 02' 27" W.	1,153.75 m.	to corner 139;
19	Thence	N. 72° 37' 05" W.	952.90 m.	to corner 140;
20	Thence	N. 00° 49' 50" E.	3,821.56 m.	to corner 141;
21	Thence	N. 77° 30' 01" W.	489.90 m.	to corner 142;
22	Thence	N. 34° 36' 00" W.	1,557.74 m.	to corner 143;
23	Thence	N. 34° 30' 12" W.	966.01 m.	to corner 144;
24	Thence	N. 00° 27' 00" E.	796.99 m.	to corner 145;
25	Thence	N. 68° 36' 23" E.	1,833.01 m.	to corner 146;
26	Thence	N. 63° 31' 12" E.	2,120.72 m.	to corner 147;

1	Thence	N. 76° 27' 07" E.	1,242.26 m.	to corner	148;
2	Thence	N. 64° 22' 24" E.	1,918.00 m.	to corner	149;
3	Thence	N. 02° 14' 56" W.	1,275.69 m.	to corner	150;
4	Thence	N. 48° 36' 53" W.	1,282.25 m.	to corner	151;
5	Thence	S. 88° 44' 24" W.	1,296.80 m.	to corner	152;
6	Thence	S. 50° 29' 19" W.	2,720.45 m.	to corner	153;
7	Thence	S. 52° 40' 58" W.	1,319.43 m.	to corner	154;
8	Thence	N. 84° 05' 20" W.	1,879.28 m.	to corner	155;
9	Thence	N. 58° 21' 49" W.	494.26 m.	to corner	156;
10	Thence	N. 03° 02' 37" W.	2,038.66 m.	to corner	157;
11	Thence	N. 42° 49' 36" W.	3,048.01 m.	to corner	158;
12	Thence	N. 01° 36' 42" E.	625.72 m.	to corner	159;
13	Thence	N. 03° 37' 09" E.	361.82 m.	to corner	160;
14	Thence	N. 12° 54' 32" W.	376.31 m.	to corner	161;
15	Thence	N. 10° 52' 12" W.	450.20 m.	to corner	162;
16	Thence	N. 47° 47' 34" E.	491.24 m.	to corner	163;
17	Thence	N. 08° 38' 56" E.	315.06 m.	to corner	164;
18	Thence	N. 14° 55' 30" E.	245.46 m.	to corner	165;
19	Thence	N. 11° 39' 28" W.	417.53 m.	to corner	166;
20	Thence	N. 25° 54' 43" W.	453.71 m.	to corner	167;
21	Thence	N. 30° 22' 19" W.	425.48 m.	to corner	168;
22	Thence	N. 10° 53' 24" E.	792.26 m.	to corner	169;
23	Thence	N. 50° 51' 30" W.	360.17 m.	to corner	170;
24	Thence	N. 05° 08' 50" W.	492.98 m.	to corner	171;
25	Thence	N. 15° 10' 07" E.	578.00 m.	to corner	172;
26	Thence	N. 44° 21' 38" E.	335.18 m.	to corner	173;

1	Thence	S. 72° 17' 48" E.	711.93 m.	to corner	174;
2	Thence	N. 72° 50' 29" E.	291.27 m.	to corner	175;
3	Thence	N. 32° 56' 01" W.	3,007.37 m.	to corner	176;
4	Thence	N. 49° 53' 27" W.	1,062.80 m.	to corner	177;
5	Thence	S. 88° 29' 42" W.	1,607.25 m.	to corner	178;
6	Thence	S. 61° 12' 30" W.	1,667.17 m.	to corner	179;
7	Thence	S. 65° 00' 24" W.	2,550.35 m.	to corner	180;
8	Thence	N. 11° 31' 16" E.	6,490.25 m.	to corner	1.

9 The technical descriptions provided in this Act will be subject to
10 ground survey and verification to be conducted by the Department of
11 Environment and Natural Resources (DENR) within ninety (90) days after the
12 effectivity of this Act.

13 *SEC. 6. Establishment of the Protected Area Management Board for*
14 *the Agusan Marsh Wildlife Sanctuary (PAMB-AMWS).* – The PAMB-AMWS
15 is hereby created. It shall exercise the same powers and functions as mandated
16 in Section 11 of the NIPAS Act and Section 18 of that Act.

17 Considering the character of the AMWS as a catch basin, the
18 PAMB-AMWS may take appropriate action outside the AMWS to prevent any
19 adverse effects thereto such as, but not limited to, those that may be caused by
20 wastes from industries and run-offs from all areas that feed into the AMWS.

21 *SEC. 7. Composition of the PAMB-AMWS.* – Membership of the
22 PAMB-AMWS shall comprise the following:

23 (a) DENR Regional Executive Director (RED) of Region XIII –
24 Caraga as Chairman;

25 (b) Provincial Governor of Agusan del Sur as Co-Chairman;

26 (c) Provincial Planning and Development Officer of the Provincial
27 Government of Agusan del Sur;

1 (d) Mayors of the municipalities of Talacogon, San Francisco,
2 Rosario, Bunawan, Loreto and La Paz;

3 (e) One (1) representative from each tribal community residing within
4 the AMWS; and

5 (f) Three (3) representatives from nongovernment organizations/local
6 community organizations.

7 The members shall be appointed in the same manner and shall serve for
8 the same term as provided in Section 11 of the NIPAS Act and Sections 20 and
9 21 of the implementing rules and regulations (IRR) of that Act.

10 SEC. 8. *Protected Area Superintendent (PASu) and Other Protected*
11 *Area Personnel.* – There shall be appointed a PASu who shall be the chief
12 operating DENR officer on site and the chief administrative officer of the
13 AMWS and who shall be directly responsible to the PAMB-AMWS and the
14 DENR-Caraga RED, in accordance with Section 38 of the IRR of the NIPAS
15 Act. The PASu shall perform the administrative functions detailed therein and
16 shall be supported by a sufficient number of personnel who shall be performing
17 the day-to-day management, protection and administration of the AMWS, in
18 accordance with Section 40 of the IRR.

19 SEC. 9. *Management Manual.* – There shall be formulated a
20 Management Manual in accordance with Section 9 of the NIPAS Act which
21 shall serve as the basic long-term framework plan in the management of the
22 AMWS. It shall include, among others, the Management Plan and the division
23 of the area into various management zones.

24 CHAPTER III

25 FUNDING, PENAL AND MISCELLANEOUS PROVISIONS

26 SEC. 10. *Appropriations.* – The Secretary of the DENR shall
27 immediately include in the Department's program the implementation of this

1 Act, the funding of which shall be included in the annual General
2 Appropriations Act.

3 SEC. 11. *The AMWS Fund.* – There is hereby established a trust fund
4 to be known as the Agusan Marsh Wildlife Sanctuary (AMWS) Fund for
5 purposes of financing projects in the area, which shall be deposited in a Special
6 Account in the National Treasury. The Fund may be financed by donations,
7 endowments and grants in the form of contributions, and such endowments
8 shall be exempted from income or gift taxes and all other taxes, charges or fees
9 imposed by the government or any political subdivision or instrumentality
10 thereof.

11 All income generated from the operation of the AMWS or management
12 of its wild flora and fauna shall accrue to the Fund. These incomes shall be
13 derived from visitors/tourist fees, fees from permitted sale and export of flora
14 and fauna and other resources from the AMWS, proceeds from the registration
15 and lease of multiple-use areas, including tourism concessions, contributions
16 from industries and facilities directly benefiting from the AMWS and such
17 other fees and income derived from its operation.

18 Disbursements from the Fund shall be made solely for the protection,
19 maintenance, administration and management of the AMWS, and duly
20 approved projects endorsed by the PAMB-AMWS and the Agusan Marsh
21 Eco-Tourism Office (AMETO), in accordance with existing accounting and
22 budgeting rules and regulations: *Provided*, That the Fund shall not be used to
23 cover personal services expenditures.

24 The local government units (LGUs) shall continue to impose and
25 collect all other fees not enumerated herein which they have traditionally
26 collected, such as business permits and rentals of LGUs' facilities. LGUs may
27 also charge reasonable add-ons to fees imposed by the PAMB-AMWS:

1 *Provided*, That such add-ons shall be determined based on the contribution of
2 the LGUs in the maintenance and protection of the AMWS.

3 SEC. 12. *Tax Exemption on Donation.* – Any donation or bequest
4 made to the AMWS Fund shall be exempt from donor's tax and the same shall
5 be considered as allowable deduction from the gross income of the donor, in
6 accordance with the provisions of the National Internal Revenue Code of 1997,
7 as amended.

8 SEC. 13. *Role of Local Government Units (LGUs).* – The LGUs
9 participate in the management of the AMWS through representation in the
10 PAMB-AMWS. They shall also ensure the effective implementation of the
11 management manual and the provisions of this Act in their respective
12 jurisdictions. The LGUs shall retain their ordinance-making powers in their
13 respective jurisdictions in the AMWS but must defer to the management
14 manual and the rules and regulations of the PAMB-AMWS on matters relating
15 to biodiversity conservation, protection and sustainable development.

16 SEC. 14. *Role of Local Communities.* – The local communities as
17 well as the indigenous communities to be affected by the development of the
18 AMWS shall actively participate in the formulation of the management manual
19 and the Ecotourism Development Master Plan and shall be accorded
20 preferential treatment with respect to employment opportunities developed in
21 the AMWS.

22 SEC. 15. *Indigenous People's Rights.* – Ancestral domain and other
23 customary rights and interests of indigenous communities within the AMWS
24 shall be accorded due recognition in accordance with Section 13 of the NIPAS
25 Act.

26 SEC. 16. *Prohibited Acts and Penalties.* – The provisions of Sections
27 20 and 21 of the NIPAS Act with respect to prohibited acts and penalties for
28 their violation in protected areas shall apply *in toto* with respect to the AMWS.

CHAPTER IV

CONCLUDING PROVISIONS

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3 SEC. 17. *Repealing Clause.* -- All laws, decrees, proclamations,
4 executive orders, rules and regulations or parts thereof inconsistent with this
5 Act are hereby modified or amended accordingly.

6 SEC. 18. *Separability Clause.* -- If, for any reason, any part or section
7 of this Act is declared unconstitutional or invalid, such other parts not affected
8 thereby shall remain in full force and effect.

9 SEC. 19. *Effectivity Clause.* -- This Act shall take effect fifteen (15)
10 days after its complete publication in the *Official Gazette* or in a national
11 newspaper of general circulation.

Approved,

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