



HOUSE OF REPRESENTATIVES

H. No. 4534

BY REPRESENTATIVES MELLANA, MATUGAS AND UNGAB, PER COMMITTEE
REPORT NO. 270

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

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) Act”.

5 SEC. 2. *Declaration of Policy.* – It shall be the policy of the State to
6 ensure the protection and conservation of the Agusan Marsh in order to
7 preserve the biological diversity within it, the uniqueness of its landscape and
8 its sociocultural and economic significance to the people of Agusan Province.
9 Towards this end, the State shall:

10 (a) Implement measures to preserve the ecological balance and
11 biodiversity therein;

1 (b) Advance, respect and protect the customs and interests of its
2 legitimate inhabitants; and

3 (c) Foster partnerships among government and nongovernment
4 organizations.

5 SEC. 3. *Scope and Coverage.* – The boundaries of the AMWS which
6 falls under the category of wildlife sanctuary as defined herein within the
7 municipalities of Talacogon, San Francisco, Rosario, Bunawan, Loreto and
8 La Paz, Province of Agusan del Sur, are as follows:

9 Beginning at point marked "1" on the Map, being N. 72° 56' 11" W.,
10 2,827.51 meters from BLLM 1 of Talacogon, Agusan del Sur (BLLM 1
11 Latitude 8° 27' 25.087" Longitude 125° 47' 1.367").

12	LINE	BEARING	DISTANCE (meters)
13	1-2	N. 24° 57' 19" W.	593.82
14	2-3	N. 01° 15' 29" E.	611.12
15	3-4	N. 51° 40' 09" E.	346.13
16	4-5	N. 44° 42' 32" E.	50.11
17	5-6	S. 76° 18' 04" E.	399.89
18	6-7	S. 82° 54' 08" E.	880.23
19	7-8	S. 23° 00' 56" E.	1,467.61
20	8-9	S. 22° 46' 11" E.	3,099.57
21	9-10	S. 81° 31' 51" E.	1,922.01
22	10-11	S. 24° 16' 55" E.	1,481.29
23	11-12	N. 63° 32' 46" E.	7,486.12
24	12-13	N. 07° 42' 20" W.	738.94
25	13-14	N. 60° 49' 33" E.	5,748.40
26	14-15	S. 40° 47' 34" E.	623.03
27	15-16	S. 39° 23' 27" E.	311.59
28	16-17	S. 03° 37' 35" E.	241.73

1	17-18	S. 55° 51' 21" E.	588.95
2	18-19	S. 29° 07' 12" W.	677.21
3	19-20	N. 74° 22' 04" E.	262.68
4	20-21	S. 12° 23' 22" E.	429.95
5	21-22	S. 39° 45' 03" W.	307.47
6	22-23	S. 62° 23' 00" W.	542.42
7	23-24	S. 52° 07' 59" E.	255.51
8	24-25	S. 81° 08' 49" E.	383.11
9	25-26	S. 24° 34' 06" E.	684.30
10	26-27	S. 26° 43' 58" W.	282.35
11	27-28	S. 39° 05' 18" E.	402.40
12	28-29	N. 47° 32' 20" E.	695.75
13	29-30	N. 73° 59' 58" E.	115.69
14	30-31	N. 50° 55' 14" E.	226.97
15	31-32	S. 07° 02' 01" E.	423.43
16	32-33	S. 70° 04' 51" E.	417.33
17	33-34	N. 72° 18' 29" E.	164.79
18	34-35	S. 25° 36' 26" E.	176.33
19	35-36	S. 24° 44' 19" W.	393.76
20	36-37	S. 24° 43' 25" W.	502.74
21	37-38	S. 08° 44' 23" W.	664.64
22	38-39	S. 61° 12' 31" E.	267.68
23	39-40	N. 38° 26' 37" E.	230.25
24	40-41	S. 34° 30' 56" E.	183.03
25	41-42	S. 25° 22' 28" W.	284.15
26	42-43	N. 56° 43' 37" E.	228.50
27	43-44	N. 86° 50' 49" E.	446.92
28	44-45	S. 03° 50' 38" E.	241.79

1	45-46	S. 45° 56' 54" W.	513.46
2	46-47	N. 88° 56' 58" E.	199.64
3	47-48	S. 22° 27' 50" W.	246.32
4	48-49	N. 87° 18' 05" E.	170.99
5	49-50	S. 40° 54' 24" W.	238.75
6	50-51	S. 46° 33' 57" E.	247.60
7	51-52	S. 89° 34' 21" W.	116.65
8	52-53	N. 55° 27' 52" W.	275.75
9	53-54	S. 85° 38' 49" W.	206.85
10	54-55	N. 26° 41' 46" W.	154.30
11	55-56	S. 36° 30' 18" W.	447.37
12	56-57	S. 17° 44' 32" W.	262.13
13	57-58	N. 78° 23' 14" W.	195.98
14	58-59	S. 42° 23' 57" W.	394.10
15	59-60	S. 02° 14' 10" E.	213.48
16	60-61	S. 72° 40' 51" W.	206.39
17	61-62	N. 27° 37' 47" W.	182.87
18	62-63	S. 80° 27' 35" W.	215.52
19	63-64	N. 24° 23' 22" W.	203.57
20	64-65	N. 44° 11' 19" W.	277.14
21	65-66	N. 65° 46' 09" W.	196.75
22	66-67	S. 05° 54' 18" W.	299.76
23	67-68	N. 87° 57' 40" W.	207.17
24	68-69	S. 36° 18' 00" E.	374.13
25	69-70	N. 79° 23' 28" W.	433.62
26	70-71	S. 33° 46' 57" W.	317.51
27	71-72	S. 33° 53' 27" E.	173.66
28	72-73	S. 87° 48' 18" W.	219.34

1	73-74	S. 39° 21' 14" E.	186.15
2	74-75	S. 16° 12' 20" W.	115.52
3	75-76	S. 74° 58' 49" W.	136.68
4	76-77	N. 48° 36' 26" W.	166.00
5	77-78	S. 15° 21' 46" E.	320.76
6	78-79	S. 77° 56' 06" W.	377.96
7	79-80	S. 20° 33' 52" E.	278.37
8	80-81	N. 66° 24' 54" W.	353.63
9	81-82	S. 06° 06' 45" E.	346.07
10	82-83	S. 66° 06' 17" W.	224.66
11	83-84	S. 37° 58' 20" E.	226.09
12	84-85	N. 72° 54' 31" E.	408.48
13	85-86	S. 11° 38' 03" W.	592.02
14	86-87	S. 73° 30' 05" E.	1,782.78
15	87-88	S. 27° 56' 38" E.	766.18
16	88-89	S. 63° 02' 04" E.	3,601.83
17	89-90	S. 33° 45' 20" W.	1,332.56
18	90-91	S. 75° 41' 58" W.	1,246.62
19	91-92	S. 27° 14' 38" E.	1,490.76
20	92-93	S. 20° 10' 06" E.	8,575.88
21	93-94	S. 57° 15' 15" W.	5,086.65
22	94-95	S. 40° 22' 39" W.	2,133.14
23	95-96	S. 04° 12' 54" W.	1,748.13
24	96-97	S. 05° 05' 00" E.	1,152.51
25	97-98	S. 75° 10' 52" W.	836.91
26	98-99	S. 28° 21' 46" E.	364.76
27	99-100	S. 02° 56' 41" E.	798.65
28	100-101	S. 41° 41' 24" E.	4,475.93

1	101-102	S. 86° 49' 25" W.	2,599.33
2	102-103	S. 03° 27' 07" E.	1,434.19
3	103-104	S. 87° 29' 44" E.	2,799.81
4	104-105	S. 67° 12' 01" E.	570.13
5	105-106	S. 63° 13' 10" W.	2,096.62
6	106-107	S. 83° 02' 17" W.	822.54
7	107-108	N. 60° 41' 49" W.	1,674.03
8	108-109	N. 35° 47' 49" E.	492.72
9	109-110	N. 11° 24' 06" W.	607.62
10	110-111	N. 79° 07' 10" W.	384.61
11	111-112	S. 03° 42' 43" W.	366.21
12	112-113	S. 22° 49' 24" W.	880.68
13	113-114	S. 18° 14' 33" W.	755.78
14	114-115	S. 33° 51' 22" W.	656.28
15	115-116	S. 62° 34' 28" E.	402.98
16	116-117	S. 13° 38' 08" W.	449.42
17	117-118	S. 36° 52' 50" W.	231.11
18	118-119	S. 85° 58' 22" W.	2,699.29
19	119-120	N. 61° 05' 26" E.	711.96
20	120-121	N. 33° 27' 04" E.	559.82
21	121-122	N. 22° 15' 26" W.	734.38
22	122-123	N. 08° 44' 12" E.	1,241.30
23	123-124	N. 05° 00' 34" E.	1,261.90
24	124-125	N. 86° 56' 34" E.	379.70
25	125-126	N. 01° 32' 51" W.	602.42
26	126-127	N. 10° 54' 15" E.	769.78
27	127-128	N. 10° 09' 55" E.	432.26
28	128-129	N. 16° 07' 32" W.	826.91

1	129-130	S. 57° 22' 40" W.	1,526.21
2	130-131	N. 79° 04' 35" W.	624.28
3	131-132	S. 89° 35' 23" W.	294.72
4	132-133	N. 17° 54' 07" W.	1,305.56
5	133-134	S. 89° 47' 38" E.	400.42
6	134-135	N. 56° 37' 33" W.	238.85
7	135-136	N. 30° 26' 54" W.	716.00
8	136-137	N. 03° 02' 12" W.	842.07
9	137-138	N. 17° 01' 56" E.	334.20
10	138-139	N. 31° 02' 27" W.	1,153.75
11	139-140	N. 72° 37' 05" W.	952.90
12	140-141	N. 00° 49' 50" E.	3,821.56
13	141-142	N. 77° 30' 01" W.	489.90
14	142-143	N. 34° 36' 00" W.	1,557.74
15	143-144	N. 34° 30' 12" W.	966.01
16	144-145	N. 00° 27' 00" E.	796.99
17	145-146	N. 68° 36' 23" E.	1,833.01
18	146-147	N. 63° 31' 12" E.	2,120.72
19	147-148	N. 76° 27' 07" E.	1,242.26
20	148-149	N. 64° 22' 24" E.	1,918.00
21	149-150	N. 02° 14' 56" W.	1,275.69
22	150-151	N. 48° 36' 53" W.	1,282.25
23	151-152	S. 88° 44' 24" W.	1,296.80
24	152-153	S. 50° 29' 19" W.	2,720.45
25	153-154	S. 52° 40' 58" W.	1,319.43
26	154-155	N. 84° 05' 20" W.	1,879.28
27	155-156	N. 58° 21' 49" W.	494.26
28	156-157	N. 03° 02' 37" W.	2,038.66

1	157-158	N. 42° 49' 36" W.	3,048.01
2	158-159	N. 01° 36' 42" E.	625.72
3	159-160	N. 03° 37' 09" E.	361.82
4	160-161	N. 12° 54' 32" W.	376.31
5	161-162	N. 10° 52' 12" W.	450.20
6	162-163	N. 47° 47' 34" E.	491.24
7	163-164	N. 08° 38' 56" E.	315.06
8	164-165	N. 14° 55' 30" E.	245.46
9	165-166	N. 11° 39' 28" W.	417.53
10	166-167	N. 25° 54' 43" W.	453.71
11	167-168	N. 30° 22' 19" W.	425.48
12	168-169	N. 10° 53' 24" E.	792.26
13	169-170	N. 50° 51' 30" W.	360.17
14	170-171	N. 05° 08' 50" W.	492.98
15	171-172	N. 15° 10' 07" E.	578.00
16	172-173	N. 44° 21' 38" E.	335.18
17	173-174	S. 72° 17' 48" E.	711.93
18	174-175	N. 72° 50' 29" E.	291.27
19	175-176	N. 32° 56' 01" W.	3,007.37
20	176-177	N. 49° 53' 27" W.	1,062.80
21	177-178	S. 88° 29' 42" W.	1,607.25
22	178-179	S. 61° 12' 30" W.	1,667.17
23	179-180	S. 65° 00' 24" W.	2,550.35
24	180-1	N. 11° 31' 16" E.	6,490.25

25 the point of beginning, containing an area of forty thousand seven hundred
26 twenty-four and 85/100 hectares (40,724.85 has.). The boundary of the
27 protected area shall be subjected to actual ground delineation by the

1 Department of Environment and Natural Resources (DENR) within ninety
2 (90) days after the effectivity of this Act.

3 All lands comprising the AMWS shall fall under the classification of
4 national park as provided for in the 1987 Philippine Constitution.

5 The technical descriptions provided in this Act shall be subject to
6 ground survey and verification by the DENR within ninety (90) days after the
7 effectivity of this Act.

8 SEC. 4. *Definition of Terms.* – As used in this Act:

9 (a) *Ancestral domains/Ancestral lands* refer to all areas generally
10 belonging to indigenous cultural communities comprising lands, inland waters
11 and natural resources therein, held under a claim of ownership, occupied or
12 possessed by indigenous cultural communities, by themselves or through their
13 ancestors, communally or individually since time immemorial, continuously to
14 the present except when interrupted by war, *force majeure* or displacement by
15 force, deceit, stealth or as a consequence of government projects or any other
16 voluntary dealings entered into by government and private individuals or
17 corporations, and which are necessary to ensure their economic, social and
18 cultural welfare. It shall include ancestral lands, forests, pasture, residential,
19 agricultural and other lands individually owned whether alienable and
20 disposable or otherwise, hunting grounds, burial grounds, worship areas,
21 bodies of water, mineral and other natural resources, and lands which may no
22 longer be exclusively occupied by indigenous cultural communities but from
23 which they traditionally had access to for their subsistence and traditional
24 activities, particularly the home ranges of indigenous cultural communities
25 who are still nomadic and/or shifting cultivators;

26 (b) *Biodiversity* refers to the variety and variability among all living
27 organisms and the ecological complex in which they occur;

1 (c) *Ecosystem* refers to the dynamic complex of plant, animal and
2 microorganism communities and their physical environment interacting as a
3 functional unit;

4 (d) *Ecotourism* refers to the sustainable promotion of travel to a
5 locality or area for recreation purposes that highlights the unique, natural,
6 physical, social or cultural facets therein and, at the same time, encourages the
7 utilization of strategies that control the damage to the natural habitat;

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

13 (f) *National park* refers to the land of the public domain classified as
14 such in the 1987 Philippine Constitution which includes all areas placed under
15 the National Integrated Protected Areas System (NIPAS), pursuant to Republic
16 Act No. 7586 or the NIPAS Act, and which are primarily designated for the
17 conservation of native plants and animals, their associated habitats and cultural
18 diversity; and

19 (g) *Wildlife sanctuary* refers to an area that assures the natural
20 conditions necessary to protect nationally significant species, groups of
21 species, biotic communities or physical features of the environment that may
22 require specific human manipulation for their perpetuation.

23 CHAPTER II

24 PROTECTED AREA MANAGEMENT

25 SEC. 5. *Establishment of the Agusan Marsh Wildlife Sanctuary*
26 *(AMWS)*. – The AMWS, as delineated pursuant to Section 3, is hereby
27 declared a protected area as defined under the NIPAS Act. All lands of the

1 public domain comprising the AMWS shall fall under the classification of
2 national park as provided for in the 1987 Philippine Constitution.

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

9 SEC. 7. *Establishment of the Protected Area Management Board*
10 *for the Agusan Marsh Wildlife Sanctuary (PAMB-AMWS).* – The
11 PAMB-AMWS is hereby created and shall exercise the following powers and
12 functions:

13 (a) Authorize the conduct of studies on various characteristics, features
14 and conditions of the AMWS;

15 (b) Adopt a land use scheme and zoning plan in adjoining areas for the
16 preservation and control of activities that may threaten the ecological balance
17 of the AMWS;

18 (c) Cause the preparation of and exercise the power to review all plans
19 and proposals for the management of the protected area;

20 (d) Promulgate rules and regulations necessary to carry out the
21 provisions of this Act;

22 (e) Deputize field officers and delegate any of its powers under this Act
23 and other laws to expedite its implementation and enforcement;

24 (f) Enter into contracts and agreements with private entities or public
25 agencies as may be necessary to carry out the purposes of this Act;

26 (g) Approve administrative fees and fines for violations of the
27 guidelines and the rules and regulations promulgated pursuant to this Act;

1 (h) Accept, in the name of the Philippine government and on behalf of
2 the AMWS, funds, gifts or bequest of money for immediate disbursement or
3 other property in the interest of the protected area, its activities or its services;

4 (i) Call on any agency or instrumentality of the government, as well as
5 academic institutions, nongovernment organizations (NGOs) and the private
6 sector as may be necessary to accomplish the objectives and activities of the
7 AMWS;

8 (j) Submit an annual report to the President of the Philippines and to
9 Congress on the status of the AMWS;

10 (k) Approve the specification of the class, type and style of building
11 and other structures to be constructed in the AMWS including the materials to
12 be used;

13 (l) Evaluate evidence in support of tenured migrants' claims or status
14 for the granting of tenurial instruments;

15 (m) Approve the budget and funding for proposed projects;

16 (n) Decide matters relating to planning, peripheral or resource
17 protection, and general administration of the area in accordance with the
18 General Management Planning Strategy;

19 (o) Approve the delineation and demarcation of the protected area
20 boundaries and ancestral domains and recognize the rights and privileges of
21 indigenous communities under the provisions of this Act;

22 (p) Promulgate rules and regulations to promote development programs
23 and projects on biodiversity conservation and sustainable development
24 consistent with the management manual of the protected area ensuring that the
25 management plan provides livelihood benefits for local residents;

26 (q) Regulate the construction, operation, and maintenance of roads,
27 trails, waterworks, sea lanes, sewerage, fire protection and sanitation systems,
28 and other public utilities within the protected area;

1 (r) Ensure the implementation of programs as prescribed in the
2 management plan in order to provide employment to the people dwelling in
3 and around the AMWS;

4 (s) Monitor and evaluate the performance of the protected area
5 personnel, NGOs, and the communities in ensuring for biodiversity
6 conservation and providing for sociocultural and economic development; and

7 (t) Perform such other functions as may be directed by the Department
8 of Environment and Natural Resources (DENR) Secretary, and such acts as
9 may be necessary or incidental to the accomplishment of the purposes and
10 objectives of this Act.

11 SEC. 8. *Compositon of the PAMB-AMWS.* -- The PAMB-AMWS
12 shall be composed of the following:

13 (a) The DENR Regional Executive Director (RED) of Region
14 XIII -- CARAGA, as Chairperson;

15 (b) The Provincial Governor of Agusan del Sur, as co-chairperson;

16 (c) The Provincial Planning and Development Officer of the Provincial
17 Government of Agusan del Sur, as member;

18 (d) The Mayors of the municipalities of Talacogon, San Francisco,
19 Rosario, Bunawan, Loreto and La Paz, as members;

20 (e) One (1) representative from each tribal community residing within
21 the AMWS, as member; and

22 (f) Three (3) representatives from NGOs/local community
23 organizations, as members.

24 Except for government officials who shall serve in *ex officio* capacities,
25 members of the PAMB shall be appointed by the DENR Secretary and shall
26 serve for a term of five (5) years without compensation: *Provided*, That they
27 remain connected with the organization being represented. In the case of
28 members who are government officials, their appointment shall be coterminous

1 with their term of office. Whenever a vacancy occurs during the term of a
2 non-*ex officio* PAMB member, a new member shall be selected through the
3 same process undertaken in the selection of the original appointee: *Provided,*
4 *further,* That only the remainder of the term shall be served.

5 The members of the PAMB shall be entitled to reimbursement of actual
6 and necessary traveling and subsistence expenses incurred when attending
7 meetings of the PAMB or any of its committees, subject to government
8 accounting, budgeting and auditing rules and regulations, and subject further to
9 the availability of funds as reflected in the Work and Financial Plan (WFP).

10 SEC. 9. *Protected Area Superintendent (PASu) and Other Protected*
11 *Area Personnel.* – There shall be appointed a PASu who shall be the chief
12 operating officer of the DENR on site and the chief administrative officer of
13 the AMWS and who shall be directly responsible to the PAMB-AMWS and
14 the RED of the DENR-CARAGA, in accordance with Section 10 of the NIPAS
15 Act and subsequently in its implementing rules and regulations. The PASu
16 shall perform the administrative duties and responsibilities prescribed by the
17 DENR in the aforementioned rules and regulations, and shall be supported by a
18 sufficient number of personnel who shall assist in the day-to-day management,
19 protection and administration of the AMWS.

20 SEC. 10. *Management Manual.* – There shall be formulated a
21 Management Manual in accordance with Section 9 of the NIPAS Act which
22 shall include, among others, the Management Plan, the AMWS Ecotourism
23 Development Master Plan, and the division of the area into various
24 management zones. This shall serve as the basic long-term framework plan in
25 the management of the AMWS.

1 SEC. 11. *Role of Local Government Units (LGUs) and Local*
2 *Communities.* – The concerned LGUs shall participate in the management of
3 the AMWS through representation in the PAMB-AMWS. They shall also
4 ensure the effective implementation of the Management Manual and the
5 provisions of this Act in their respective jurisdictions. They shall retain their
6 ordinance-making powers in their respective jurisdictions in the AMWS but
7 must defer to the Management Manual and the rules and regulations of the
8 PAMB-AMWS on matters relating to biodiversity conservation, protection and
9 sustainable development.

10 The local communities as well as the indigenous communities to be
11 affected by the development of the AMWS shall actively participate in the
12 formulation of the Management Manual and the Ecotourism Development
13 Master Plan and shall be accorded preferential treatment with respect to
14 employment opportunities developed in the AMWS.

15 CHAPTER III

16 FUNDING, PENAL AND MISCELLANEOUS PROVISIONS

17 SEC. 12. *Appropriations.* – The Secretary of the DENR shall
18 immediately include in the Department's program the implementation of this
19 Act, the funding of which shall be included in the annual General
20 Appropriations Act.

21 SEC. 13. *The AMWS Fund.* – There is hereby established a trust fund
22 to be known as the AMWS Fund for purposes of financing projects of the
23 AMWS. All income generated from the operation and management of wild
24 flora and fauna in the AMWS shall accrue to the AMWS Fund. These income
25 shall be derived from fees from permitted sale and export of flora and fauna
26 and other resources from the protected area; proceeds from lease of

1 multiple-use areas; contributions from industries and facilities directly
2 benefiting from the protected area; and such other fees and income derived
3 from the operation of the protected area.

4 The AMWS Fund may be augmented by grants, donations, endowments
5 from various sources, domestic or foreign, and such endowments shall be
6 exempted from income or gift taxes, and all other taxes, charges or fees
7 imposed by the government or any political subdivision or instrumentality
8 thereof: *Provided*, That the PAMB-AMWS shall retain seventy-five percent
9 (75%) of all revenues raised, to be deposited in any government bank within
10 the locality; and that disbursements shall be made solely for the protection,
11 maintenance, administration and management of the area and implementation
12 of duly approved projects endorsed by the PAMB in accordance with existing
13 accounting, budgeting and auditing rules and regulations: *Provided, further*,
14 That the AMWS Fund shall not be used to cover personal services
15 expenditures.

16 The remaining twenty-five percent (25%) of the revenues shall be
17 deposited as a special account in the National Treasury as share in the
18 Integrated Protected Area Fund (IPAF) created pursuant to Republic Act
19 No. 7586.

20 The LGUs shall continue to impose and collect all other fees not
21 enumerated herein which they have traditionally collected, such as business
22 permits, property tax and rentals of LGUs' facilities. Furthermore, LGUs may
23 charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons
24 shall be determined based on the contribution of the LGUs in the maintenance
25 and protection of the protected area.

26 SEC. 14. *Tax Exemption on Donation.* – Any donation or bequest
27 made to the AMWS Fund shall be exempt from donor's tax and the same shall
28 be considered as allowable deduction from the gross income of the donor, in

1 accordance with the provisions of the National Internal Revenue Code of 1997,
2 as amended.

3 SEC. 15. *Indigenous Peoples' Rights.* – Ancestral domain and other
4 customary rights and interests of indigenous communities within the AMWS
5 shall be accorded due recognition in accordance with Section 13 of the NIPAS
6 Act.

7 SEC. 16. *Tenured Migrants.* – Any person who has actually and
8 continuously occupied any portion of the protected area for at least five (5)
9 years prior to its designation as part of the AMWS and is solely dependent on
10 the area for subsistence shall be considered a tenured migrant. A tenured
11 migrant shall be eligible to become a steward of a portion of land within the
12 multiple-use management area from which one may derive subsistence.
13 Persons who would not qualify as tenured migrants shall be resettled in any
14 appropriate multiple-use zone.

15 SEC. 17. *Prohibited Acts and Penalties.* – The provisions of Sections
16 20 and 21 of the NIPAS Act with respect to prohibited acts and the
17 corresponding penalties for violations committed within the AMWS shall
18 apply *in toto*.

19 CHAPTER IV

20 CONCLUDING PROVISIONS

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

24 SEC. 19. *Repealing Clause.* – All laws, decrees, proclamations,
25 executive orders, rules and regulations or parts thereof inconsistent with this
26 Act are hereby modified or amended accordingly.

1 SEC. 20. *Effectivity.* – This Act shall take effect fifteen (15) days after
2 its publication in the *Official Gazette* or in a newspaper of general circulation
3 readily available in and around the vicinity of the AMWS. It shall likewise be
4 posted in a conspicuous place at the municipal halls of Talacogon, San
5 Francisco, Rosario, Bunawan, Loreto and La Paz, Province of Agusan del Sur,
6 in the barangay halls where the protected area is located and in other places
7 frequented by the public.

Approved,

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