



## HOUSE OF REPRESENTATIVES

H. No. 5319

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BY REPRESENTATIVES MACIAS, BANAAG, ANDAYA AND JAWORSKI, PER  
COMMITTEE REPORT NO. 1592

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AN ACT DECLARING THE BALINSASAYAO TWIN LAKES LOCATED  
IN THE MUNICIPALITIES OF SIBULAN AND SAN JOSE,  
PROVINCE OF NEGROS ORIENTAL AS A PROTECTED AREA  
UNDER THE CATEGORY OF NATURAL PARK AND FOR  
OTHER PURPOSES

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

### CHAPTER I

#### INTRODUCTORY PROVISIONS

1           SECTION 1. *Title.* – This Act shall be known as the “Balinsasayao Twin  
2 Lakes Natural Park Act”.

3           SEC. 2. *Declaration of Policy.* – Considering the aesthetic,  
4 sociocultural and ecological importance to the Province of Negros Oriental of  
5 the area where the Balinsasayao Twin Lakes are located, it is hereby declared  
6 the policy of the State to ensure its protection and conservation as a natural  
7 park including its communities of people insofar as they are in harmony with  
8 nature. The protection and conservation of the Balinsasayao Twin Lakes

1 Natural Park shall be pursued through sustainable and participatory  
2 management and shall advance and protect the interests of legitimate  
3 inhabitants and entities with prior rights in the area.

4 SEC. 3. *Definition of Terms.* —

5 (a) “Biodiversity” shall refer to the variety and variability among all  
6 living organisms and the ecological complex in which they occur.

7 (b) “Buffer zones” shall refer to identified areas outside the boundaries  
8 of the designated protected area that need special development and control in  
9 order to provide an extra layer around the protected area where restrictions  
10 may apply, and managed according to the Management Plan and applicable  
11 rules and regulations issued as provided for in this Act and related statutes.

12 (c) “Department” shall refer to the Department of Environment and  
13 Natural Resources (DENR).

14 (d) “Ecosystem” shall refer to the community of plants and animals,  
15 their physical environment and the interactions between them.

16 (e) “Environmental Impact Assessment” shall refer to the Environment  
17 Impact Assessment System established under Presidential Decree No. 1586.

18 (f) “Exotic species” shall refer to species or subspecies that do not  
19 naturally occur within the country or within the biogeographic region of the  
20 Philippines in which the protected area is situated.

21 (g) “Management Plan” shall refer to the fundamental plan, strategy  
22 and/or scheme which shall guide all activities relating to the Balinsasayao  
23 Twin Lakes Natural Park in order to attain the objectives of this Act as stated  
24 in Section 2 hereof.

25 (h) “Natural park” shall refer to a relatively large area not materially  
26 altered by human activity, where extractive resource uses are not allowed and  
27 maintained to protect outstanding natural and scenic areas of national or  
28 international significance for scientific, educational and recreational use.

(i) "Protected area (PA)" 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.

(j) "Secretary" shall refer to the Secretary of the DENR.

(k) "Tenured migrants" shall refer to individuals and households who have actually and continuously occupied public lands which are not alienable and disposable within the PA before June 1, 1987 and are substantially dependent on the PA for their livelihood.

(l) "Timber" shall refer to wood having an average diameter of at least fifteen (15) centimeters and a length of at least one and a half (1.5) meters, 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 Balinsasayao Twin Lakes Natural Park shall cover certain parcels of land situated in the municipalities of Sibulan and San Jose, Province of Negros Oriental. Its boundaries, subject to ground demarcation, are as follows:

Beginning at a corner marked "1" on the map being identical to MBM No. 14, Project No. 15, A and D LC Map 225,

Thence	N 71° 25' W	282.40 m.	to corner 2;
Thence	N 72° 27' W	705.70 m.	to corner 3;
Thence	S 20° 52' W	337.90 m.	to corner 4;
Thence	S 74° 41' W	491.00 m.	to corner 5;
Thence	S 46° 19' W	1,376.00 m.	to corner 6;
Thence	S 70° 50' W	400.00 m.	to corner 7;
Thence	N 71° 25' W	756.50 m.	to corner 8;
Thence	S 32° 11' W	875.00 m.	to corner 9;
Thence	S 58° 12' W	1,190.40 m.	to corner 10;

1	Thence	N 64° 15' W	8,092.30 m.	to corner 11;
2	Thence	DUE W	670.28 m.	to corner 12;
3	Thence	N 39° 30' E	5,954.47 m.	to corner 13;
4	Thence	S 80° 21' E	4,173.80 m.	to corner 14;
5	Thence	N 45° 43' E	4,166.40 m.	to corner 15;
6	Thence	DUE S	226.00 m.	to corner 16;
7	Thence	S 45° 19' W	785.70 m.	to corner 17;
8	Thence	S 25° 47' E	193.20 m.	to corner 18;
9	Thence	N 50° 45' E	303.60 m.	to corner 19;
10	Thence	S 47° 01' E	489.10 m.	to corner 20;
11	Thence	S 20° 40' E	289.20 m.	to corner 21;
12	Thence	N 18° 36' E	481.70 m.	to corner 22;
13	Thence	N 40° 44' E	510.00 m.	to corner 23;
14	Thence	DUE E	208.00 m.	to corner 24;
15	Thence	N 35° 46' E	409.60 m.	to corner 25;
16	Thence	S 70° 39' E	346.80 m.	to corner 26;
17	Thence	S 25° 47' E	289.90 m.	to corner 27;
18	Thence	N 48° 44' E	283.80 m.	to corner 28;
19	Thence	S 60° 53' E	690.30 m.	to corner 29;
20	Thence	S 31° 10' W	310.90 m.	to corner 30;
21	Thence	S 65° 59' W	299.10 m.	to corner 31;
22	Thence	S 41° 19' W	587.40 m.	to corner 32;
23	Thence	S 20° 52' E	289.60 m.	to corner 33;
24	Thence	N 85° 10' E	278.60 m.	to corner 34;
25	Thence	DUE S	240.00 m.	to corner 35;
26	Thence	S 31° 55' E	213.20 m.	to corner 36;
27	Thence	S 33° 57' E	436.70 m.	to corner 37;
28	Thence	S 77° 34' W	882.60 m.	to corner 38;

1	Thence	S 15° 31' E	298.30 m.	to corner	39;
2	Thence	N 61° 58' E	301.30 m.	to corner	40;
3	Thence	N 48° 44' E	293.40 m.	to corner	41;
4	Thence	S 10° 22' E	240.30 m.	to corner	42;
5	Thence	S 50° 00' E	588.40 m.	to corner	43;
6	Thence	S 20° 32' W	190.00 m.	to corner	44;
7	Thence	DUE S	288.00 m.	to corner	45;
8	Thence	S 60° 53' E	345.10 m.	to corner	46;
9	Thence	N 64° 47' E	398.00 m.	to corner	47;
10	Thence	S 85° 31' E	280.70 m.	to corner	48;
11	Thence	S 30° 04' E	387.50 m.	to corner	49;
12	Thence	S 31° 10' W	291.50 m.	to corner	50;
13	Thence	S 08° 10' E	230.50 m.	to corner	51;
14	Thence	DUE E	346.20 m.	to corner	52;
15	Thence	S 15° 40' W	173.30 m.	to corner	53;
16	Thence	S 31° 10' W	242.90 m.	to corner	54;
17	Thence	S 61° 07' W	218.70 m.	to corner	55;
18	Thence	N 79° 39' W	201.30 m.	to corner	56;
19	Thence	S 32° 11' W	272.20 m.	to corner	57;
20	Thence	S 15° 31' E	481.10 m.	to corner	58;
21	Thence	S 31° 10' W	291.50 m.	to corner	59;
22	Thence	S 78° 32' W	280.90 m.	to corner	60;
23	Thence	N 27° 12' W	371.70 m.	to corner	61;
24	Thence	N 41° 19' W	195.80 m.	to corner	62;
25	Thence	S 20° 40' E	366.40 m.	to corner	63;
26	Thence	S 64° 16' W	221.10 m.	to corner	64;
27	Thence	S 14° 29' E	154.00 m.	to corner	65;
28	Thence	S 16° 36' E	192.60 m.	to corner	66;

8           The above boundaries and scope of the Balinsasayao Twin Lakes  
9   Natural Park shall not be amended except by an act of Congress.

11 PROTECTED AREA MANAGEMENT

SEC. 5. *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 National Integrated Protected Areas System (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, local government units (LGUs), appropriate offices of the DENR, nongovernment organizations (NGOs) and people’s organizations (POs), 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 five years;
- (b) Key management issues;
- (c) Goals and objectives of management in support of Section 2 of this Act;
- (d) Site management strategy;
- (e) Major management activities such as, but not limited to, enforcement of laws, biodiversity conservation, habitat and wildlife

1 management, sustainable use management, infrastructure development and  
2 maintenance, fire and pest control;

3 (f) Establishment and delineation of management zones and the  
4 regulated and/or prohibited activities therein, such as, but not limited to,  
5 multipurpose-use zones, buffer zones, recreational zones, strict protection  
6 zones and other special zones which can provide effective management of the  
7 PA and promote sustainable development of all legitimate stakeholders. To  
8 avoid relocation, primary consideration shall be accorded to the traditional  
9 zones used which have been proven sustainable and in consonance with the  
10 biodiversity and protection of the natural characteristics of the PA; and

11 (g) Visitor management programs.

12 The Management Plan shall be consistent with the nature of the  
13 Balinsasayao Twin Lakes as a PA under the category of a natural park. It shall  
14 be reviewed and approved by the Protected Area Management Board (PAMB)  
15 and certified to by the Secretary that it conforms to all laws and the rules and  
16 regulations issued therefor by the DENR. The Management Plan shall not be  
17 revised nor modified except by prior consultation with the PAMB and in  
18 accordance with the procedure herein set forth. If any part or section of the  
19 Management Plan is inconsistent with existing laws, the Secretary shall certify  
20 to the other provisions of the plan that are consistent with the laws. Unless the  
21 Secretary accepts or adopts such inconsistent provisions, he/she shall notify the  
22 PAMB of the provisions that need modification or revision.

23 One year before the expiration of the initial Management Plan, there  
24 shall be a subsequent plan to be prepared by the Office of the PASu in the  
25 same manner as the procedure and principles herein set forth and in accordance  
26 with the General Management Planning Strategy as provided in the NIPAS  
27 Act. In the same period, the Office of the PASu shall cause the publication of  
28 notices for comments and suggestions on the proposed plan in a newspaper of

1 local circulation and the actual posting of such notices in conspicuous places  
2 within the LGUs in the Balinsasayao Twin Lakes Natural Park. The proposed  
3 new Management Plan shall be made available for public perusal in all  
4 agencies, offices and organizations duly represented in the PAMB.

5 In the event that no subsequent plan is adopted upon the expiration of  
6 the initial Management Plan, the latter shall remain in force subject to interim  
7 modifications that may be adopted by the PAMB.

8 SEC. 6. *The Protected Area Management Board (PAMB).* -- There shall  
9 be a PAMB which shall serve as the highest policy-making body of the  
10 Balinsasayao Twin Lakes Natural Park. It shall be composed of the following:

11 (a) The Regional Executive Director (RED) of the DENR-Region VII  
12 who shall sit as the PAMB chairperson;

13 (b) The Provincial Governor of Negros Oriental as the PAMB  
14 cochairperson;

15 (c) The provincial planning and development officer or his/her  
16 permanent representative;

17 (d) The municipal mayors of Sibulan and San Jose or their respective  
18 permanent representatives;

19 (e) All barangay captains within the Balinsasayao Twin Lakes Natural  
20 Park;

21 (f) Two representatives from the POs and the NGOs accredited by the  
22 municipalities of Sibulan and San Jose chosen from among themselves in an  
23 election duly called by the DENR-Region VII for the purpose; and

24 (g) Representatives from national government agencies operating  
25 within the PA which can potentially contribute to the area's management; and

26 (h) Other stakeholders who can potentially assist and contribute in the  
27 protection, preservation and conservation of the Balinsasayao Twin Lakes  
28 Natural Park.



1           In the selection of representatives from the POs and the NGOs, the  
2 following criteria shall be primarily considered:

- 3           (1) Active involvement in the ecological conservation, preservation,  
4           rehabilitation and protection of the PA;
- 5           (2) Great potential in community organizing and other development  
6           works;
- 7           (3) Favorable track record in community work; and
- 8           (4) Duly accredited by the LGU concerned and the DENR.

9           SEC. 7. *Term of Office of the PAMB Members.* – Every member of the  
10 PAMB shall serve for a term of five years: *Provided*, That he/she continues to  
11 be officially connected with the organization or office being represented. If a  
12 vacancy occurs, a new member shall be chosen in accordance with the original  
13 selection process but the successor shall only serve the remaining term. In the  
14 case of elected officials, they shall serve the PAMB for the duration of their  
15 term of office.

16           SEC. 8. *Powers and Functions of the PAMB.* – The PAMB of the  
17 Balinsasayao Twin Lakes Natural Park, being the highest policy-making body,  
18 shall have the following powers and functions:

- 19           (a) Decide and approve matters relating to proposals, work and action  
20 plans, guidelines and policies, and other activities for the management of the  
21 PA;
- 22           (b) Review, approve and adopt the management plans and development  
23 programs and their respective implementing rules and regulations;
- 24           (c) Recommend and approve the establishment and delineation of  
25 zones;
- 26           (d) Establish supplemental criteria and guidelines for park fees for  
27 activities regulated by this Act or the Management Plan subject to the DENR's  
28 approval pursuant to Section 10(f) of the NIPAS Act;

1 (e) Ensure the effective implementation of development activities  
2 within the PA;

3 (f) Adopt rules and procedures in the conduct of business, roles and  
4 responsibilities, and discipline of its board members, including the creation of  
5 standing committees;

6 (g) Evaluate the performance and activities of the Office of the PASu;

7 (h) Accept donations, approve proposals for funding and budget  
8 allocation, and exercise accountability over all funds that may accrue;

9 (i) Evaluate and recommend compliance to all existing requirements  
10 set by the DENR particularly in the issuance of the Environmental Compliance  
11 Certificate;

12 (j) Recognize the rights and privileges of indigenous communities  
13 under the provisions of this Act and other applicable laws;

14 (k) Request assistance from any government agency, office, board and  
15 private or public person to achieve the objectives of this Act;

16 (l) Monitor and evaluate the performance of PA personnel, NGOs and  
17 the communities in biodiversity conservation and sociocultural and economic  
18 development, and report its assessment to the DENR; and

19 (m) Participate in the selection and designation process of the DENR in  
20 the appointment of the PASu.

21 The DENR, through the RED, shall ensure that the PAMB acts within  
22 the scope of its powers and functions. In case of conflict between  
23 administrative orders issued by the DENR pursuant to the NIPAS Act and  
24 issuances and resolutions issued by the PAMB, the DENR Secretary shall  
25 decide whether to apply the Department's administrative order or withdraw its  
26 application in the PA.

27 SEC. 9. *Office of the Protected Area Superintendent (PASu).* – There is  
28 hereby established the Office of the PASu in charge of the management,

1 protection and administration of the PA. The PASu shall be supported by the  
2 existing personnel of the DENR. The head of office shall be the chief  
3 operating officer of the Balinsasayao Twin Lakes Natural Park or the PA and  
4 shall be accountable to the RED of the DENR-Region VII and the PAMB.

5 The PASu shall have the following powers and functions:

6 (a) Administrative

7 (1) Serve as the chief administrative officer of the PA for the purpose  
8 of implementing the Management Plan as detailed in the annual work program;

9 (2) Establish a productive partnership with the local community,  
10 including groups, in the planning, protection and management of the PA;

11 (3) Ensure the performance and high morale of his staff;

12 (4) Ensure the proper utilization of annual budget allocations and the  
13 proper disposition of fees and other funds generated within the PA;

14 (5) Develop and implement a park information, education and visitor  
15 program;

16 (6) Develop and implement a natural history documentation program  
17 and oversee researches that may be conducted within the area;

18 (7) Integrate the roles of the NGO and the DENR staff in the operation  
19 of the area; and

20 (8) Document the processes involved in the establishment and  
21 management of the PA, with particular reference to the development of  
22 relationships with cultural communities, tenured migrants, buffer zone  
23 residents and others in establishing effective protection of the area.

24 (b) Regulatory

25 (1) Act as peace officer for the purpose of maintaining peace and order  
26 within the PA. As peace officer, he shall exercise police supervision therein  
27 and may arrest any person found in any place within PAs who is committing,  
28 has committed or is about to commit an offense which is prohibited in this Act;

1           (2) Enforce rules and regulations established to protect the area and  
2 preserve the area from trespass, damage, injury and illegal occupancy;

3           (3) Require, when necessary, any person entering or passing through or  
4 any part of the PA under his jurisdiction, to give the following information:  
5 name, address, the proposed duration of stay inside the PA and the portion  
6 which he intends to visit or has visited and such other information of similar  
7 nature as may be referred to him;

8           (4) Summarily remove or eject from the area persons who have  
9 rendered themselves obnoxious by disorderly conduct or bad behavior or who  
10 have violated any of the regulations on the PA;

11           (5) Require persons cutting and/or gathering forest products or hunting  
12 or fishing within the PA to produce, upon demand, authority or permit to do  
13 so;

14           (6) Seize and confiscate timber or other forest products, game birds,  
15 animals and fish, including instruments, tools and conveyances used inside the  
16 PA by unlicensed persons, or if licensed, in violation of PA laws, rules and  
17 regulations, and to report them in accordance with the present rules,  
18 regulations and guidelines issued by the Secretary concerning confiscation,  
19 seizure and disposition of illegally cut, gathered, transported forest products  
20 and other natural resources and confiscated wildlife; and

21           (7) Perform such other powers and duties as may from time to time be  
22 prescribed by higher authorities.

23           All DENR employees detailed with the PA at the time of the effectivity  
24 of this Act shall be accorded preference to form part of the Office of the PASu.

### 25   CHAPTER III

#### 26   TENURED MIGRANTS

27           SEC. 10. *Tenured Migrants.* — Tenured migrants shall be eligible to  
28 become stewards of portions of lands within the allowed and designated zones.

1 The PAMB shall identify, verify and, subject to Section 56 of Republic Act  
2 No. 8371 or the Indigenous People's Rights Act (IPRA) of 1997, review all  
3 tenure instrument, land claims and issuance of permits for resource use within  
4 the PA and recommend the issuance of the appropriate tenure instrument  
5 consistent with the land classification, proper and allowed use of resources  
6 found therein, and zoning provided in the management or successor plans.  
7 Farmers who have been cultivating land within the PA are considered to be  
8 occupying such lands and shall be entitled to a tenure instrument limited to  
9 cultivation and residence: *Provided*, That the rights under such can only be  
10 transferred to direct descendants.

11 Nothing herein shall be construed to mean any diminution of accrued  
12 rights earned by tenured migrants. If areas occupied by tenured migrants are  
13 designated as zones in which no occupation or other activities are allowed,  
14 they shall be transferred to multiple-use zones or buffer zones to be  
15 accomplished through just and humane means.

16 In the event of termination of a tenure instrument for cause or by  
17 voluntary surrender of rights, the PASu shall take immediate steps to  
18 rehabilitate the area in order to return it to its natural state prior to the  
19 cultivation or other act by the tenured migrant.

20 SEC. 11. *Existing Rights.* – All prior and property and private rights  
21 within the PA and ancestral domains already existing and/or vested upon the  
22 effectivity of this Act shall be protected and respected in accordance with  
23 existing laws.

## CHAPTER IV

## PROHIBITED ACTS AND PENALTIES

SEC. 12. *Prohibited Acts and Penalties.* –

(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 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 PA including private lands, without the necessary PA 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 PA area including private lands, without the necessary PA 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 of the PA pursuant to Section 16 of Presidential Decree No. 705, as amended, or the Revised Forestry Reform Code;

(4) Possesses outside the PA any timber, forest products, wild terrestrial or aquatic plants, animals, flora or fauna so prohibited by the PAMB or products derived therefrom which are ascertained to have been taken from the PA. It shall be presumed to have been taken from the PA if the subject plant, animals, flora or fauna is found in possession or control of persons who traveled to the PA within seventy-two (72) hours before the time of their arrest; or

1 (5) Hunts, collects, removes or destroys endangered or protected  
2 species, except when collection or removal is for scientific research and is so  
3 exempted from this prohibition by the PAMB.

4 (b) A fine ranging from One hundred thousand pesos (P100,000.00)  
5 to Five hundred thousand pesos (P500,000.00), or imprisonment ranging from  
6 five years to ten (10) years, or both fine and imprisonment at the discretion of  
7 the court, and the restoration and rehabilitation of the damage or, when  
8 appropriate, the ejectment therefrom shall be imposed upon any person who:

9 (1) Occupies, settles or possesses any portion of the PA, introduces  
10 improvements, agricultural or otherwise, or performs "kaingin" therein not  
11 sanctioned by law or without the proper permit and authority as required by the  
12 PAMB;

13 (2) Sells, buys or offers to sell or buy any real property or rights within  
14 particularly identified regulated areas or zones in the PA;

15 (3) Occupies or possesses any portion of lands within the PA by using  
16 force, intimidation, threat, deceit or by taking advantage of the absence or  
17 tolerance of the rightful possessor, occupant or claimant;

18 (4) Uses explosives, noxious substances or electricity for fishing within  
19 the PA. The possession of explosives, noxious or poisonous substances,  
20 electro-fishing devices and paraphernalia, or fish caught through explosives,  
21 noxious or poisonous substances or electricity within and nearby fishing areas  
22 or fishing boats shall constitute *prima facie* evidence that the possessor thereof  
23 committed the act herein prohibited;

24 (5) Destroys, damages, mutilates, defaces or commits any act of  
25 vandalism on any object of natural beauty, object of anthropological or cultural  
26 importance, or non-renewable resource within the PA;

27 (6) Throws, discharges or dumps within the protected zone any  
28 substance that is deleterious or potentially deleterious to the ecosystem or to

1 the plants, animals or inhabitants in the protected and buffer areas, or  
2 committing same activities within the buffer zone without appropriate permit  
3 or authority;

4 (7) Alters, removes, destroys or defaces any boundary markers,  
5 monuments or interpretative signs relating to the PA;

6 (8) Causes damage to road, trails and pathways;

7 (9) Engages in any degree or form location/exploration, quarrying or  
8 extraction of mineral;

9 (10) *Obstructs or hinders the enforcement of this Act, its related laws,*  
10 *rules and regulations.*

11 (c) A fine ranging from Five thousand pesos (P5,000.00) to One  
12 hundred thousand pesos (P100,000.00), or imprisonment ranging from one  
13 year to six years, or both fine and imprisonment at the discretion of the court  
14 shall be imposed upon any person who:

15 (1) Violates any rules and regulations promulgated by the PAMB or its  
16 duly authorized delegate or any agreement or commitment reached before the  
17 PAMB;

18 (2) Deals any product-illegally derived from the PA such as, but not  
19 limited to, selling, buying, offering to sell or buy any timber, forest product,  
20 natural growing or wild terrestrial or aquatic plants, animals, flora or fauna or  
21 products derived therefrom or any resource from within particularly identified  
22 regulated or prohibited areas or zones in the PA without the necessary permit,  
23 authorization or exemption for the utilization, and/or extraction thereof as  
24 provided by this Act and other existing laws, rules and regulations;

25 (3) Uses any equipment which facilitates extraction of resources,  
26 regardless of such intention or purpose within the PA without the necessary PA  
27 permit or authorization;



1 (4) Leaves debris, refuse or garbage in exposed or unsanitary condition  
2 anywhere within the PA; or

3 (5) Enters any portion of the PA for purposes of mountain climbing,  
4 camping, spelunking, study, research or recreational visit without the necessary  
5 permit or authorization.

6 Administrative procedures for the investigation and validation of the  
7 violation shall be prepared by the PAMB in coordination with the appropriate  
8 offices of the DENR.

9 If the act is committed by a corporation, organization, partnership or  
10 association, the penalty shall be imposed on the chief executive officer and/or  
11 board of trustees of the corporation, organization or managing partner of the  
12 partnership or association. Valuation of the damage shall take into account  
13 biodiversity and conservation considerations as well as aesthetic and scenic  
14 value. Valuation by the DENR or the concerned government agency shall be  
15 presumed correct unless proven otherwise.

16 Any person who shall induce or conspire with another person or persons  
17 to commit any of the acts prohibited in this Act or suffer their workers to  
18 commit any of the same shall be liable in the same manner as the one actually  
19 performing the act.

20 *SEC. 13. Administrative Confiscation and Fine.* – Administrative  
21 proceedings for violation of the foregoing prohibited acts shall proceed  
22 independently and without prejudice to judicial action. The PAMB through  
23 the Office of the PASu is hereby empowered to impose an administrative fine  
24 ranging from Five thousand pesos (P5,000.00) to One hundred fifty thousand  
25 pesos (P150,000.00) and/or the cancellation of permit or license issued.  
26 Decisions of the Office of the PASu may be appealed within thirty (30) days  
27 from the receipt of the decision to the PAMB Executive Committee. The

1 decision of the PAMB Executive Committee is appealable to the DENR  
2 Secretary within a period of sixty (60) days from the receipt of the decision.

3 All conveyances, vessels, equipment, paraphernalia, implements, gear,  
4 tools and similar devices shall be subject to immediate administrative  
5 confiscation by the Office of the PASu upon apprehension without prejudice to  
6 criminal action. Once the proper criminal action is filed in the regular courts,  
7 the said conveyances, vessels, equipment, paraphernalia, implements, gear,  
8 tools and similar devices shall be in *custodia legis* but shall continue to be  
9 subject to administrative confiscation and may only be released by the trial  
10 court to the owner pending trial upon consultation with the PASu and with  
11 proper consideration of the pending administrative proceedings and the  
12 potential forfeiture of the said objects.

13 Administrative fines collected and the proceeds of the sale of all objects  
14 administratively or judicially confiscated or forfeited pursuant hereto shall  
15 accrue to the Balinsasayao Twin Lakes Natural Park Fund. The procedure for  
16 the sale thereof shall be promulgated by the PAMB.

17 SEC. 14. *Special Prosecutor.* – Within thirty (30) days from the  
18 effectivity of this Act, the Department of Justice (DOJ) shall appoint a special  
19 prosecutor to whom all cases of violation of laws, rules and regulations in the  
20 PA shall be assigned. Such special prosecutor shall coordinate with the PAMB  
21 and the PASu in the performance of his/her duties and assist in the training of  
22 wardens and rangers in arrest and criminal procedure. The PAMB shall  
23 periodically submit an evaluation of the performance of the designated special  
24 prosecutor to the DOJ.

25 SEC. 15. *Special Counsel.* – The PAMB may retain the services of a  
26 competent lawyer to prosecute or assist in the prosecution of cases, defend the  
27 members of the PAMB, the PASu and staff or any person assisting in the  
28 protection, conservation and sustainable development of the PA against any

1 legal action related to their powers, functions and responsibilities as provided  
2 in this Act or as delegated or tasked by the PAMB.

### 3 CHAPTER V

#### 4 BALINSASAYAO TWIN LAKES NATURAL PARK FUNDS

5 SEC. 16. *Balinsasayao Twin Lakes Natural Park Fund.* – There is  
6 hereby established a trust fund to be known as the Balinsasayao Twin Lakes  
7 Natural Park Fund for purposes of financing projects of the PA. All income  
8 generated from the operation of the system or management of wild flora and  
9 fauna in the PA shall accrue to the fund. These income shall be derived from  
10 fees from permitted sale and export of flora and fauna and other resources from  
11 the PA, proceeds from lease of multiple-use areas, contributions from  
12 industries and facilities directly benefiting from the PA, and such other fees  
13 and income derived from the operation of the PA.

14 The fund may be augmented by grants, donations, endowment from  
15 various sources, domestic or foreign, for purposes related to their functions:  
16 *Provided*, That the fund shall be deposited as a special account in the National  
17 Treasury and disbursements therefrom shall be made solely for the protection,  
18 maintenance, administration and management of the Balinsasayao Twin Lakes  
19 Natural Park and duly approved projects endorsed by the PAMB in accordance  
20 with existing accounting and budgeting rules and regulations: *Provided*,  
21 *further*, That the fund shall not be used to cover personal services  
22 expenditures.

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

## CHAPTER VI

EXISTING FACILITIES, UTILIZATION OF NON-RENEWABLE RESOURCES,  
ENVIRONMENTAL IMPACT ASSESSMENT AND PARTNERSHIP AMONG  
GOVERNMENT, NONGOVERNMENT AND PEOPLE'S ORGANIZATIONS

SEC. 17. *Existing Facilities within the PA.* – Existing facilities within the PA shall be inventoried and assessed by the PAMB in accordance with the objectives of this Act. Within thirty (30) days from the effectivity of this Act, unless extended by the PAMB, all commercial facilities existing within the boundaries of the PA with a total capitalization exceeding One hundred thousand pesos (P100,000.00) shall submit to the PAMB, through the PASu, 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-à-vis the objectives of this Act. The PAMB may prescribe conditions for the operation of the facility to ensure that it does not contradict PA management objectives. If any of such conditions are violated, a fine of Five thousand pesos (P5,000.00) for every day of violation shall be imposed. If the fine reaches the total amount of Five hundred thousand pesos (P500,000.00), regardless of duration, the PAMB, through the PASu and deputizing other government entities, shall cause the cessation of operations 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.

Existing facilities allowed to remain within the PA may be charged a reasonable fee, subject to the 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.

SEC. 18. *Utilization of Non-renewable Resources.* – Any exploration, exploitation or utilization of non-renewable resources within the PA shall not be allowed.

SEC. 19. *Environmental Impact Assessment System.* – Existing laws, rules and regulations relating to Environmental Impact Assessment shall be applicable to projects and activities intended in the PA. The issuance of the Environmental Compliance Certificate or its exemption shall be coordinated with the PAMB.

SEC. 20. *Partnership Among Government, NGOs and POs.* – For the purpose of attaining the objectives of this Act, all government agencies, NGOs, POs and their personnel shall continuously foster and develop a strong and true partnership.

All NGOs, POs and private entities implementing any park conservation, protection and development program must be accredited by the LGUs and the Department.

SEC. 21. *Roles of the LGUs and National Agencies in the PA.* – The 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 PA;

(b) Ensure consistency in the implementation of all activities in the PA;

(c) Retain their ordinance-making powers over the PA and shall consider the Management Plan and the rules and regulations adopted by the

1 PAMB in their legislative agenda relating to biodiversity, conservation,  
2 protection and sustainable development;

3 (d) In the formulation of their development plan, LGUs shall consider  
4 the PA Management Plan for the Balinsasayao Twin Lakes Natural Park to be  
5 prepared by the PAMB;

6 (e) Assist the PAMB in the implementation of the overall park  
7 programs including, but not limited to, the imposition, collection and  
8 utilization of park fees, enforcement of policies, rules and regulations and other  
9 similar park activities;

10 (f) Accredite POs, NGOs and other entities and groups involved in  
11 activities within the PA; and

12 (g) Provide the PAMB with relevant information and data for the  
13 effective management of the PA.

14 SEC. 22. *Public Service Utilities, Projects.* – All existing and future  
15 development projects of public service utilities involving water services,  
16 communication facilities, power and energy generation, public security, health  
17 and education services and other facilities which will promote public welfare  
18 shall be implemented within areas designated/approved by the PAMB and  
19 other appropriate government agencies.

## 20 CHAPTER VII

### 21 APPROPRIATION AND MISCELLANEOUS PROVISIONS

22 SEC. 23. *Appropriations.* – The Secretary shall immediately include in  
23 the Department's program the implementation of this Act, the funding of which  
24 shall be included in the annual General Appropriations Act.

25 SEC. 24. *Separability Clause.* – If any part or section of this Act is  
26 declared unconstitutional, such declaration shall not affect the other parts or  
27 sections hereof.

1        SEC. 25. *Repealing Clause.* – All other existing laws, rules and  
2 regulations inconsistent with this Act are hereby repealed or modified  
3 accordingly.

4        SEC. 26. *Effectivity Clause.* – This Act shall take effect immediately  
5 after its publication in the *Official Gazette* or in at least two national  
6 newspapers of general circulation.

Approved,

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