

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fourteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.



[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 (MBSCL) 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 (MBSCL), 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;
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;
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 111;
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	111.2 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;
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 01°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;
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;
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 ten thousand seven hundred eighty-four and 05/100 (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 one hundred sixteen and 54/100 (116.54) hectares.

The Mts. Banahaw-San Cristobal Protected Landscape shall cover a total land area of ten thousand nine hundred and 59/100 (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 (MBCSPL) 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.

(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 (5) 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 (1) 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 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-San 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 (1) 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 (1) representative of the National Power Corporation (NPC);

(i) At least one (1) representative from an accredited NGO operating in the MBSCPL, which has been existing for five (5) years with track records related to the protection and management of the MBSCPL;

(j) At least one (1) representative from an accredited PO operating in the MBSCPL, which has been existing for five (5) years with track records related to the protection and management of the MBSCPL;

(k) One (1) representative from academic institutions directly involved in the protection and management of the MBSCPL; and

(l) At least one (1) representative from the various religious groups whose religious practices are directly linked with the MBSCPL and which have been existing for five (5) 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 (5) 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.

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 seventy-five percent (75%) 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 twenty-five percent (25%) 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 (3) 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 sixty (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 (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), 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 (3) 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 thirty (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 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 twenty-five percent (25%) 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 (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00) or imprisonment from one (1) year but not more than six (6) 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 chainsaw, 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, equipments, 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, equipments, 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.

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.

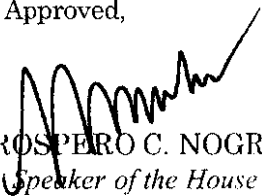
All existing land-use and resource use permits within the MBSCPL shall be reviewed and shall not be renewed upon their expiration unless consistent with the Management Plan and approved by the PAMB.

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,


PROSPERO C. NOGRALES

*Speaker of the House
of Representatives*


JUAN PONCE ENRILE

President of the Senate

This Act which is a consolidation of Senate Bill No. 2392 and House Bill No. 4299 was finally passed by the Senate and the House of Representatives on October 7, 2009 and October 6, 2009, respectively.

FOR


MARILYN B. BARUA-YAP

*Secretary General
House of Representatives*


EMMA LIRIO-REYES

Secretary of the Senate

Approved: DEC 11 2009


GLORIA MACAPAGAL-ARROYO

President of the Philippines

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