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CONGRESS OF THE PHILIPPINES

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(Republic Act No. 7586)

AN ACT PROVIDING FOR THE ESTABLISHMENT AND MANAGEMENT OF NATIONAL INTEGRATED PROTECTED AREAS SYSTEM, DEFINING ITS SCOPE AND COVERAGE, AND FOR OTHER PURPOSES

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

SECTION 1 *Title* This Act shall be known and referred to as the “National Integrated Protected Areas system Act of 1992.”

SEC.2. *Declaration of Policy* Cognizant of the profound impact of man’s activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement and recognizing the critical importance of protecting and maintaining the natural biological and physical diversities of the environment notably on areas with biologically unique features to sustain human life and development, as well as plant and animal life, it is hereby declared the policy of the State to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.

It is hereby recognized that these areas, although distinct in features, possess common ecological values that may be incorporated into a holistic plan representative of our natural heritage; that effective administration of these areas is possible only through cooperation among national government, local and concerned private organizations; that the use and enjoyment of these protected areas must be consistent with the principles of biological diversity and sustainable development.

To this end, there is hereby established a National Integrated Protected Areas System (NIPAS), which shall encompass outstanding remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, biogeographic zones

and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as “protected areas.”

SEC. 3 *Categories*- The following categories of protected areas are hereby established:

- (a) Strict nature reserve;
- (b) Natural park;
- (c) Natural monument;
- (d) Wildlife sanctuary;
- (e) Protected landscapes and seascapes;
- (f) Resource reserve;
- (g) Natural biotic areas; and
- (h) Other categories established by law, conventions or international agreements which the Philippine Government is signatory.

SEC. 4. *Definition of Terms*. - For purposes of this Act, the following terms shall defined as follows:

- (a) "National Integrated Protected Areas Systems (NIPAS)" is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;
- (b) "Protected area" refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- (c) "Buffer zones" are identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 that need special development control in order to avoid or minimize harm to the protected area;
- (d) "Indigenous cultural community" refers to a group of people sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who have, since time immemorial, occupied, possessed and utilized a territory;
- (e) "National park" refers to a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas;
- (f) "Natural monument" is a relatively small area focused on protection of small features to protect or preserve nationally significant natural features on account of their special interest or unique characteristics;
- (k) "Strict nature reserve" is an area possessing some outstanding ecosystem, features and/or species of flora and fauna of national scientific importance maintained to protect nature and maintain processes in an undisturbed state in order to have ecologically representative examples of the natural environment available for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state;

(l) “Tenured migrant communities” are communities within protected areas which have actually and continuously occupied such areas for five (5) years before the designation of the same as protected areas in accordance with this Act and are solely dependent therein for subsistence; and

(m) “Wildlife sanctuary” comprises an area which assures the natural conditions necessary to protect nationally species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for the perpetuation.

SEC. 5. *Establishment and Extent of the system.* - The establishment and operationalisation of the System shall involve the following:

(a) All areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird sanctuary, natural and historical landmark, protected and managed landscape/seascape as well as identified virgin forests before the effectivity of this Act ere hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations, not inconsistent with this Act;

(b) Within one (1) year from the effectivity of this Act, the DENR shall submit to the Senate and the House of Representatives a map and legal description or natural boundaries of each protected are initially comprising the System. Such maps and legal descriptions shall, by virtue of this Act, constitute the official documentary representation of the entire System, subject to such changes as Congress deems necessary;

(c) All DENR records pertaining to said protected areas, including maps and legal descriptions or natural boundaries, copies of rules and regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications shall be made available to the public. These legal documents pertaining to protected areas shall also be available to the public in the respective DENR Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices (CENROs) where NIPAS areas are located;

(d) Within three (3) years from the affectivity of this Act, the DENR shall study and review each area tentatively composing the System as to its suitability or non suitability for preservations as protected area and inclusion in the System according to the categories established in Section 3 thereof and report its findings to the President as soon as each study is completed. The study must include in each area:

(1) A forest occupants survey;

(2) An ethnographic study;

(3) A protected area resource profile;

(4) Land use plans done in coordination with the respective Regional Development Councils; and

(5) Such other background studies as will be sufficient bases for selection.

The DENR shall:

(i) Notify the public of the proposed action through publication in a newspaper of general circulation, and such other means as the System deems necessary in the area or areas in the vicinity of the affected land thirty (30) days prior to the public hearing;

(ii) Conduct public hearings at the locations nearest to the area affected;

(iii) At least thirty (30) days prior to the date of hearing advise all local government units (LGUs) in the affected areas, national agencies concerned, people's organizations and non-government organizations and invite such officials to submit their views on the proposed action at the hearing not later than thirty (30) days following the date of the hearing; and

(iv) Give due consideration to the recommendations at the public hearing; and provide sufficient explanation for his recommendations contrary to the general sentiments expressed in the public hearing;

(e) Upon receipt of the recommendations of the DENR, the President shall issue a presidential proclamation designating the recommended areas and providing for measures for their protection until such time when Congress shall have enacted law finally declaring such recommended area as protected areas and providing for measures for their protection until such time Congress shall have enacted a law finally declaring such recommended area as part of the integrated protected area systems; and

(f) Thereafter, the President shall send to the Senate and House of Representatives his recommendations with respect to the designations as protected areas or reclassification of each area on which review has been completed, together with maps and legal description of boundaries of any or all proclaimed protected areas, addition of any contiguous area of public land or predominant physical and biological value. Nothing contained herein shall limit the President to propose, as part of his recommendation to Congress, additional areas which have not been designated or executive order as protected area/s.

SEC. 6. *Additional Areas to be Integrated to the System.* - Notwithstanding the establishment of the initial component of the System, the Secretary shall propose the inclusion in the System of additional areas with outstanding physical features, anthropological significance and biological diversity in accordance with the provisions of Section 5 (d).

SEC. 7. *Disestablishment as Protected Area.* - When in the opinion of the DENR a certain protected area should be withdrawn or disestablished, or its boundaries modified as warranted by a study and sanctioned by the majority of the members of the respective boards for the protected area as herein established in Section 11, it shall, in turn, advise Congress. Diestablishment of a protected area under the System or modification of its boundary shall take effect pursuant to an act of Congress. Thereafter, said area shall revert to the category of public forest unless otherwise classified by Congress: Provided, however, that disestablishment by Congress, the Secretary may recommend the transfer of such disestablished area to other government agencies to serve other priority programs of national interest.

SEC. 8. *Buffer Zones.* - For each protected area, there shall be established peripheral buffer zones when necessary, in the same manner as, Congress establishes the protected area, to protect the same from activities that will directly and indirectly harm it. Such buffer zones shall be included in the individual protected area management plan that shall be prepared for each

protected area. The DENR shall exercise its authority over protected areas as provided in this Act on such area designated as buffer zones.

SEC. 9. *Management Plans.* - There shall be a general management planning strategy to serve as guide in formulating individual plans for each protected area. The management planning strategy shall, at the minimum, promote the adoption and implementation of innovative management techniques including, if necessary, the concept of zoning, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, diversity management, community organizing socio-economic and scientific researches, site-specific policy development, pest management, and fire control. The management planning strategy shall also provide guidelines for the protection of indigenous cultural communities, other tenured migrant communities and sites and for close coordination between and among local agencies of the Government as well as the private sector.

Each component area of the System shall planned and administered to further protect and enhance the permanent preservation of its natural conditions. A management manual shall be formulated and developed which must contain the following: and individual management plan prepared by three (3) experts, basic background information, field inventory of the resources within the area, an assessment and limitations, regional interrelationships, particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries of the area, and a design of the management programs.

SEC. 10. *Administration and Management of the System.* - The National Integrated Protected Area System is hereby placed under the control and administration of the Department of Environment and Natural Resources. For this purpose, there is hereby created a division in the regional offices of the Department to be called the Protected Areas and Wildlife Division in regions where protected areas have been established, which shall be under the supervision of a Regional Technical Director, and shall include subordinate officers, clerks, and employees as may be proposed by the Secretary, duly approved by the Department of Budget and Management, and appropriated for by Congress. The Service thus established shall manage protected areas and promote the permanent preservation, to the greatest extent possible of their natural conditions.

To carry out the mandate of this Act, the Secretary of the DENR is empowered to perform any and all of the following acts:

(a) To conduct studies on various characteristic features and conditions of the different protected areas, using commonalities in their characteristics, classify and define them into categories and prescribe permissible or prohibited human activities in each category in the System:

(b) To adopt and enforce a land-use scheme and zoning plan in adjoining areas for the preservation and control of activities that may threaten the ecological balance in the protected areas;

(c) To cause the preparation of and exercise the power to review all plans and proposals for the management of protected areas;

(d) To promulgate rules and regulations necessary to carry out the provisions of this Act;

(e) To deputize field officers and delegate any of his powers under this Act and other laws to expedite its implementation and enforcement;

(f) To fix and prescribe reasonable NIPAS fees to be collected from government agencies or any person, firm or corporation deriving benefits from protected areas;

(g) To exact administrative fees and fines as authorized in Section 21 for violations of guidelines, rules and regulations of this Act as would endanger the viability of protected areas;

(h) To enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the purpose of this Act;

(i) To accept in the name of the Philippine Government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursements or other property in the interest of the NIPAS, its activities, or its services;

(j) To call on any agency or instrumentality of the Government as well as academic institutions, non-government organizations and the private sector as may be necessary to accomplish the objectives and activities of the System;

(k) To submit an annual report to the President of the Philippines and to Congress on the status of protected areas in the country;

(l) To establish a uniform marker for the System, including an appropriate and distinctive symbol for each category in the System, in consultation with appropriate government agencies and public and private organizations;

(m) To determine the specification of the class, type and style of buildings and other structures to be constructed in protected areas and the materials to be used;

(n) Control the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection, and sanitation systems and other public utilities within the protected area;

(o) Control occupancy of suitable portions of the protected area and resettle outside of said area forest occupants therein, with exception of the members of indigenous communities area; and

(p) To perform such other functions as may be directed by the President of the Philippines, and to do such acts as may be necessary or incidental to the accomplishment of the purpose and objectives of the System.

SEC. 11. *Protected Area Management Board.* - A Protected Area Management Board for each of the established protected area shall be created and shall be composed of the following; the Regional Executive Director under whose jurisdiction the protected area is located; one (1) representative from the autonomous regional government, if applicable; the Provincial Development Officer; one (1) representative from the municipal government; one (1) representative from each barangay covering the protected area; one (1) representative from each tribal community; if applicable; and, at least three (3) representatives from non-government organizations/local community organizations, and if necessary, one (1) representative from other departments or national government agencies involved in protected area management.

The Board shall, by a majority vote, decide the allocations for budget, approve proposals for funding, decide matters relating to planning, peripheral protection and general administration of the area in accordance with the general management strategy. The members of the Board shall

serve for a term of five (5) years without compensation, except for actual and necessary traveling and subsistence expenses incurred in the performance of their duties. They shall be appointed by the Secretary of the DENR as follows:

(a) A member who shall be appointed to represent each local government down to barangay level whose territory or portion is included in the protected area. Each appointee shall be the person designated by the head of such LGU, except for the Provincial Development Officer who shall serve as *ex officio*;

(b) A member from non-government organizations who shall be endorsed by heads of organizations which are preferably based in the area or which have established and recognized interest in protected areas;

(c) The RED/s in the region/s where such protected area lies shall sit as *ex officio* member of the Board and shall serve as adviser/s in matters related to the technical aspect of management of the area; and

(d) The RED shall act as chairman of the Board. When there are two (2) or more REDs in the Board, the secretary shall designate one (1) of them to be Chairman. Vacancies shall be filled in the same manner as the original appointment.

SEC. 12. *Environmental Impact Assessment.* - Proposals for activities which are outside the scope of the management plan for protected areas shall be subject to an environmental impact assessment as required by law before they are adopted, and the results there of shall be taken into consideration in the decision-making process. No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippine Environment Impact Assessment (EIA) system. In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such manner as will minimize any adverse effects and take preventive and remedial action when appropriate. The proponent shall be liable for any damage due to lack of caution or indiscretion.

SEC. 13. *Ancestral Lands and Rights Over Them.* - Ancestral lands and customary rights and interest arising shall be accorded due recognition. The DENR shall prescribe rules and regulations to govern ancestral lands within protected areas: Provided, That the DENR shall have no power to evict indigenous communities from their present occupancy nor resettle them to another area without their consent: *Provided, however,* That all rules and regulations, whether adversely affecting said communities or not, shall be subjected to notice and hearing to be participated in by members of concerned indigenous community.

SEC. 14. *Survey for Energy Resources.* - Consistent with the policies declared in Section 2, hereof, protected areas, except strict nature reserves and natural parks, may be subjected to exploration only for the purpose of gathering information on energy resources and only if such activity is carried out with the least damage to surrounding areas. Surveys shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to the public and submitted to the President for recommendation to Congress. Any exploitation and utilization of energy resources found within NIPAS areas shall be allowed only through a law passed by Congress.

SEC. 15. *Areas under the Management and Other Departments and Government Instrumentalities.* - Should there be protected areas, or portions thereof, under the jurisdiction of

government instrumentalities other than the DENR, such jurisdictions shall, prior to the passage of this Act, remain in the said department or government instrumentality: *Provided*, That the department or government instrumentality exercising administrative jurisdiction over said protected area or a portion thereof shall coordinate with the DENR in the preparation of its management plans, upon the effectivity of this Act.

SEC. 16. Integrated Protected Areas Fund. - There is hereby established a trust fund to be known as Integrated Protected Areas (IPAS) Fund for the purposes of financing projects of the System. The IPAS may solicit and receive donations, endowments, and grants in the form of contributions, and such endowments shall be exempted from income or gift taxes and all other taxes, charges or fees imposed by the Government or any political subdivision or instrumentality thereof.

All incomes generated from the operation of the System or management of wild flora and fauna shall accrue to the Fund and may be utilized directly by the DENR for the above purpose. These incomes shall be derived from:

(a) Taxes from the permitted sale and export of the System or management of wild flora and fauna shall accrue to the Fund and may be utilized directly by the DENR for the above purpose. These incomes shall be derived from:

(b) Proceeds from lease of multiple-use areas;

(c) Contributions from industries and facilities directly benefiting from the protected areas; and

(d) Such other fees and incomes derived from the operation of the protected area.

Disbursements from the Fund shall be made solely for the protection, maintenance, administration, and management of the system, and duly approved projects endorsed by the PAMBs, in the amounts authorized by the DENR.

SEC. 17. *Annual Report to Congress.* - At the opening of each session of Congress, the DENR shall report to the President, for transmission to Congress, on the status of the System, regulation in force and other pertinent information, together with recommendations.

SEC. 18. Field Officers. - All officials, technical personnel and forest guards employed in the integrated protected area service or all persons deputized by the DENR, upon recommendation of Management Board shall be considered as field officers and shall have the authority to investigate and search premises and buildings and make arrests in accordance with the rules on criminal procedure for the violation of laws and regulations relating to protected areas. Persons arrested shall be brought to the nearest police precinct for investigation.

Nothing herein mentioned shall be constructed as preventing regular law enforcers and police officers from arresting any person in the act of violating said laws and regulations.

SEC. 19. *Special Prosecutors.* - The Department of Justice shall designate special prosecutors to prosecute violations of laws, rules and regulations in protected areas.

SEC. 20. Prohibited Acts. - Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

- (a) Hunting, destroying, or mere possession of my plants or animals or products derived there from without a permit from the Management Board;
- (b) Dumping of any waste products detriment to the protected area, or to the plants and animals or inhabitants therein;
- (c) Use of any motorized equipment without a permit from the Management Board;
- (d) Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities (of scenic value);
- (e) Damaging and leaving roads and trails in a damaged condition;
- (f) Squatting, mineral locating, or otherwise occupying any land;
- (g) Constructing or maintaining any kind of structure, fence or enclosure, conducting any business enterprise without a permit;
- (h) Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water, and
- (i) Altering, removing destroying or defacing boundary marks or signs.

SEC. 21. *Penalties.* - Whoever violates this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offense in the preceding section shall be fined in the amount of not less than Five thousand pesos (P5, 000) nor more than Five hundred thousand pesos (P500, 000), exclusive of the value of the thing damaged or imprisonment for not less than one (1) year but more than six (6) years, or both, as determine by the court, the offender shall also be required to restore or compensate for the restoration to the damage: *Provided, further,* That the court shall order the eviction of the offenses from the land and the forfeiture in favor of the Government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers: *Provided, finally,* That the DENR may impose administrative fines and penalties consistent with this Act.

SEC. 22. *Separability Clause.* - If any part or section of this Act is declared unconstitutional, such declaration shall not affect other parts or sections of this Act.

SEC. 23. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed or modified accordingly.

SEC. 24. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

DEPARTMENT ADMINISTRATIVE ORDER NO. 25
SERIES OF 1992

NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS)

IMPLEMENTING RULES

AND

REGULATIONS

DEPARTMENT AND ADMINISTRATIVE ORDER)

No. 25 : June
29, 1992
Series of 1992)

**SUBJECT: NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS)
IMPLEMENTING RULES AND REGULATIONS**

Pursuant to Section 10(d) of Republic Act No. 7586 otherwise known as the “National Integrated protected Areas system Act of 1992” (the Act), this Administrative Order setting forth the rules and regulations governing implementation of the Act is hereby promulgated.

The purpose of this Order is set forth in detail the processes by which DENR and other concerned institutions and agencies will establish, administer and manage the NIPAS, focusing particularly on the twin objectives of biodiversity conservation and sustainable development.

For the purpose of this Order, the categories of protected areas and the definitions of terms are those provided in Sections 3 and 4 of the Act.

Chapter I **Basic Policy**

Section 1. The Policy of the State provides that the management, protection, sustainable development, and rehabilitation of protected areas shall be undertaken primarily to ensure the conservation of biological diversity and that the use and enjoyment of protected areas must be consistent with that principle. It is further acknowledged that the effective administration of the NIPAS will require a partnership between the Government through the DENR, and other interested parties including the indigenous communities.

Chapter II **Scope**

Section 2. This Order shall apply to all areas that, prior to the effectivity of the Act on 10 June 1992, have been designated or set aside pursuant to a law, presidential decree, presidential proclamation or executive order as a national park, game refuge, bird and wildlife sanctuary, wilderness area, strict reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape or seascape as well as to identified virgin forests. It shall also apply to other protected areas that may later established pursuant to the Act.

Chapter III **The Establishment of NIPAS Areas**

Establishing Initial Components of the System

Section 3. The first stage in the establishment of the initial components of the NIPAS will involve a four-step process or the DENR. The steps will include: (i) compiling technical descriptions and maps of the areas designated in Section 2; (ii) an initial screening of these areas for their suitability for inclusion in the NIPAS; (iii) studies and public hearings to build a case for formal establishment of suitable areas in this group as protected areas; and (iv) preparing final recommendations for the President and the Congress. The DENR Regional Office under the direction of the Regional Executive Director (RED) shall undertake or cause to undertake the activities from (a) to (I) below, as a preparatory stage for establishment of the initial components of the NIPAS:

(a) *Compilation of Maps and Technical Description of Protected Areas.* - within ninety (90) days from effectivity of this Order, compile and submit to the Secretary, maps and corresponding technical descriptions of all areas under the jurisdiction of the Region that are covered under Section 2 of this Order. These materials shall be submitted to the Congress by the Secretary within one (1) year from effectivity of this Order and constitute the official documents representing the initial components of the NIPAS. Areas so documented shall be governed by existing laws, rules and regulations consistent with the Act.

In developing technical descriptions for identified virgin forests, include mossy forest as well as any contiguous residual forest of good quality that is above 1000 meters in elevation or slopes greater than fifty (50) percent.

(b) *Initial Screening.* - After the maps and technical descriptions of the initial NIPAS components have been compiled, evaluate the suitability or unsuitability of each area for inclusion in the NIPAS under one or more of the existing protected area categories provided in the Act. Criteria and guidelines for the evaluation shall be provided by the Secretary. Areas regarded as unsuitable shall, together with the rationale for that decision, be reported to the Secretary within nine (9) months from

(c) *Public Notification.* - The general public, local government units, non-government organization, indigenous communities and all other concerned institutions and agencies shall be informed through the various media of: (I) presence of protected areas within their locality (ii) the result of the initial screening by the DENR; (iii) the NIPAS Law, (iv) this order, and other relevant documents pertaining to the NIPAS. The maps and technical descriptions of areas covered under Section 2 shall be made available to the public at RENRO, PENRO, and CENRO offices and posted in municipal and/or barangay halls and other conspicuous public places near the said areas.

A national information and education program shall also be undertaken by the DENR to inform the general public of the existence of the NIPAS and its goals, objectives and activities.

(d) *Initial Consultation.* - Organize consultative meetings at locations within the area or near the areas identified for possible establishment as protected areas, providing at least thirty (30) days notice to the public prior to such meetings. Among the topics that shall be presented and discussed in said public meetings are: (I) the effects of forest destruction; (ii) the importance of biodiversity conservation and watershed protection; (iii) the NIPAS Act, this order and other relevant regulatory documents; (iv) the role of the Protected Area management Board; (v) strategies for recognizing ancestral domain and addressing other tenure issues; and (vi) the

relationships of biodiversity conservation to livelihood in protected areas. Records on the consultation as well as the names of participants and any written comments presented shall be submitted to the Secretary.

(e) *Census and Registration of Protected Area Occupants.* - Undertake a census of persons living in the proposed protected area and buffer zones or otherwise utilizing them, using the format provided by the Secretary. These activity should establish basic census data, the ethnographic and tenure status of migrants and indigenous communities as well as provide a basis for planning buffer zones and alternative livelihood activities. In the ten initial sites funded by the GEF, the NGO and DENR site staff shall participate in the data collection under the direction of a competent NGO or consultant as a means of becoming better acquainted with the site and its people. Copies of any previous forest occupant census conducted in the area should be obtained for the purpose of corroborating claims of tenure. This shall be completed within a period of six (6) months after the deadline set in Section 3a.

(f) *Resource Profiling.* - gather and compile relevant information on the biophysical features of the area, including topography, unique geological features, soil type, existing vegetation cover and flora and fauna, particularly threatened and endangered species, as well as important nesting and/or breeding sites. Present the results using a standard format provided by the Secretary. A brief history of man-made disturbances and ongoing programs/projects, research and other development activities shall also be included. this activity shall be completed within a period of twelve (12) months after public notification on the existence of the initial components of NIPAS.

(g) *Initial Protected Area Plan.* - Compile information developed in the studies and from other available sources. If the area is still judged to be suitable for inclusion in the NIPAS, develop a land use plan for each proposed protected area in coordination with the Regional Development Council. Involve indigenous cultural communities and tenured migrants within the proposed protected area and others within adjoining buffer zones and nearby communities as partners in this planning process. The finished plan shall include: (i) the basic rationale for the protected area; (ii) proposed boundaries including buffer zones; and (iii) an initial designation of management zones, including buffer zones, with purposes, strategies and allowable uses specified for each. Boundaries and management zones shall also be indicated on maps of 1:50,000 or larger.

(h) *Public Hearings.* - Conduct public hearings on the proposed inclusion of each area under the NIPAS. The DENR shall: (i) notify the public of proposed establishment of the protected area under the NIPAS Act through publication in newspapers of general circulation and such other means deemed necessary in the vicinity of the affected land at least 30 days prior to the public hearing, ensuring the all affected local government units (LGUs), concerned national agencies, indigenous community people's organizations and NGOs are properly notified; (ii) conduct public hearings at locations nearest to the affected land; (iii) present the basic rationale for establishment and for the proposed boundaries including the buffer zones, giving particular emphasis to the issues of the basic management plan, the recognition of indigenous community rights, tenure and livelihood potential that would allowed and/or provided; (iv) make a written record of the names of those in attendance and of the proceedings; (v) allow all who are present an opportunity to state their views and/or submit them in writing; and (vi) allow the further submission of views on the proposed action in writing for 30 days following the hearing date.

(i) *Regional review and Recommendation.* - Following the public hearings, make any modifications of the boundary and/or management plan that may be warranted and, if sufficient public support for inclusion of the area under the NIPAS is evident, prepare and submit to the Secretary a report that includes a draft Presidential Proclamation designating the area as a protected area, a statement summarizing the rationale for establishment, the basic management approach, photographs, a map and technical description that includes buffer zones, a record of the public hearings and such other documents as may be required, using a format provided by the Secretary. For the initial components of the system, this must be completed within two-and-one-half (2.5) years from the effectivity of the Act.

(j) *National Review and Recommendation.* - Within three (3) years of effectivity of the Act, the Secretary, based on the review of recommendations made by the Regional Offices, shall recommend to the President the areas for inclusion as initial component under the NIPAS. The Secretary shall likewise recommend to the President for endorsement to the Congress the disestablishment of areas from the initial components that, after study and review, are deemed unsuitable for inclusion under the NIPAS (see Section 5 below).

(k) *Presidential Proclamation.* - Upon receipt of DENR recommendation and supporting documents, the President shall issue a Presidential Proclamation designating the recommended area as protected area and providing for protection measures until such time as Congress shall have enacted a law declaring the area as part of NIPAS.

(l) *Congressional Action.* - For areas recommended by the Secretary and proclaimed by the President, a law pursuant to the NIPAS shall be enacted by Congress.

(m) *Demarcation.* - Upon enactment of law defining and establishing a protected area, the boundary of the said area shall be established and demarcated on the ground with concrete monuments or other prominent physical landmarks or features. Index and station numbers shall be engraved on the monuments or markers to serve as reference. In case of marine protected areas, boundaries shall be marked where practicable, with internationally-accepted buoys.

Later Components of the NIPAS

Section 4. *Establishment of Additional Protected Areas.* - Notwithstanding the establishment of the above initial components of the NIPAS, additional protected areas may be proposed by the Secretary following the provisions of Section 5 (d) of the Act and in accordance with procedures set forth in Sections 3(c) - 3 (j) of this Order. In this instance, Section 3(a) - 3(b) would be replaced by an initial reconnaissance survey to verify the area's biodiversity or other special features and to identify probable boundaries, mapping at a scale of 1:5,000 and a written rationale for proposing the area for inclusion in the NIPAS.

Section 5. *Disestablishment of Protected Areas Including Alterations of Boundaries.* - Pursuant to Section 7 of the Act, a protected area may be disestablished or its boundaries modified in accordance with the following procedures:

(a) The basis for recommending for disestablishment or boundary modification of an established protected area shall be warranted by a study prepared for the purpose. Such a study shall be undertaken by the pertinent regional office under the direction/supervision of the RED;

(b) Results of the study and recommendation for disestablishment or boundary modification shall be presented at public hearings prior to submission to the Secretary. Provided, that if the areas has been previously established under the Act, the recommendation shall be supported by a majority of members of the Protected Area Management Board (See Chapter V):

(c) The DENR Secretary shall then advise and submit to Congress his recommendation together with relevant supporting documents:

(d) Recommended disestablishment or boundary modification pursuant to Section 7 of the Act shall only take effect after Congressional Action;

(e) Areas disestablished by Congress shall revert to the category of public forest unless otherwise specified under the law providing for disestablishment. This shall not prejudice existing of future delineation of the area an ancestral domain.

(f) The Secretary may recommend the transfer of disestablished areas to other government agencies for the implementation of priority programs serving the national interest. Provided, that where applicable, ancestral claims shall be recorded the highest priority.

(g) The public shall be duly notified of above actions following the procedure in Section 3 of this Order.

Section 6. *Establishment of Buffer Zones.* - Buffer zones are intend to provide an extra layer of protection around the protected area while also providing livelihood opportunities based on sustainable resource utilization. The major goal is to encourage buffer zones residents and/or managers to establish a strong social fence that will prevent encroachment into the protected area by others, that is, to provide sufficiently strong incentives so that buffer zone users will help to protect the protected area. This will, in nearly every instance, require a process pending the promulgation of a more specific set by the Secretary.

(a) Buffer zones must be established by law in the same manner that a protected area is established. Therefore, every effort shall be made to include the appropriate buffer zones in the original recommendations for establishment.

(b) When buffer zones are established after the protected area has been established, the procedures to be followed are those set forth in Section 4 of this Order.

c) The PAMB and the shall exercise authority over buffer zones on behalf of the DENR (Section 8 of the Act) in cooperation with NGOS and other government agencies. Management and land use practices for buffer zones shall be prescribed in the management plan.

d) The range of resource management activities that may be allowed in various portions of the buffer zone must be broad so as to give maximum management flexibility. If very limited resource access is contemplated, the area should be considered for inclusion in the protected area. In cases where there is conflict in the classification of buffer zone such classification shall not impair the traditional livelihood of cultural communities.

(e) Those who will manage buffer zone areas; indigenous cultural communities, tenured migrants and others; must play a prominent role in developing the plans, policies and rules for buffer zone management.

Chapter IV

Management Plan Preparation, Approval and Adoption

Section 7. *Two-tiered Management Planning.* - NIPAS site management planning and implementation shall be undertaken by protected area staff, which may include an NGO component, by technical specialist and representatives of local communities within and near the site following a general planning strategy prepared at the national level. The protected area management plan shall be contained within a management manual as provided by Section 9 of the Act. Protected area management shall be under the direction of a site specific Protected Area Management Board as provided in Chapter V of this Order and NGOs are expected to play an important role in area management along with DENR staff.

The General Management Planning Strategy (GMPS)

Section 8. GMPS preparation. - Within one (1) year after effectivity of the Act, the Protected Area and Wildlife Bureau (PAWB) under the technical direction of the Undersecretary for Environment and Research shall prepare the General Management Planning Strategy. This document shall serve as a guide in the formulation of site management plans, including buffer zones. The GMPS shall, at the minimum address the following:

(a) Promoting the adoption and implementation of innovative management techniques such as: management zones; buffer zones for multiple use and protection; habitat conservation and rehabilitation; biodiversity management; community organizing; socioeconomic and scientific researches; site-specific policy development; post management and fire control;

(b) Providing for the protection of indigenous cultural community domains and interests and for the rights of tenured migrants; and

(c) Creating closer coordination between and among the DENR, local government, the private sector and general populace.

In addition to contributions from various technical experts in protected area and biodiversity management, the PAWB shall solicit the assistance of NGOs in GMPS preparation, particularly in areas of community-based resource management and indigenous cultural community concerns.

Section 9. *GMPS Adoption*. - Within thirty (30) days after submission of the final draft of the GMPS and by the PAWB, the same shall be adopted by the NIPAS Policy and Program Steering Committee and issued by the Secretary as a Department Administrative Order.

Management Zones

Section 10. *Protected Area Management Zoning*. - To provide flexibility in management, each protected area and its attached buffer zones shall be divided into one or more of the categories listed below. Cultural communities, tenured migrants, other existing protected area users and local governments shall be a part of the decision making process in zone establishment and management planning. Management objectives and strategies shall be developed for each zone and specific approaches and technologies identified and implemented in accordance with the strategy to meet those objectives. Provided, that the zoning of a protected area and its buffer zones and management prescriptions within those zones shall not restrict the rights of indigenous communities to pursue traditional and sustainable means of livelihood within their ancestral domain unless they so occur.

For the purposes of this Section, the word “sustainable” shall mean not causing permanent or long term diminishment or qualitative degradation of biological species or of other resources extracted or disturbed; “traditional” shall mean using no power machinery in the extraction process and consistent with historically customary techniques of production; and “commercial” shall mean involving market sale in volume or value in excess of that required to maintain a basic subsistence for workers and their dependents.

(a) *Strict Protection Zone.* - Areas with high bio-diversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious used by indigenous communities.

(b) *Sustainable Use Zone.* - Natural areas where the habitat and its associated biodiversity shall be conserved but where consistent with the management plan and with PAWB approval; (i) indigenous community members and/or tenured migrants and/or buffer zone residents may be allowed to collect and utilize natural resources using traditional sustainable methods that are not in conflict with biodiversity conservation requirements; (ii) research, including the reintroduction of indigenous species, may be undertaken; and (iii) park visitors may be allowed limited use. Provided, no clearing, farming, settlement, commercial utilization or other activities detrimental to biodiversity conservation shall be undertaken. The level of allowable activity can be expected to vary from one situation to another.

(c) *Restoration Zone.* - Areas of degraded habitat where the long term goals will be restore natural habitat with its associated biodiversity and to rezone the area to a more strict protection level. Initially, natural regeneration will be assisted through such human interventions as fire control, cogon suppression and the planting of native species including indigenous pioneer free species as well as climax species. Exotic species (not native to the site) shall not be used in the restoration process. Existing houses and agricultural developments may be allowed to remain initially but would be phased out eventually.

(d) *Habitat Management Zones.* - Areas within significant habitat and species values where management practices are required periodically to maintain specific non-climax habitat types or conditions required by rare, threatened or endangered species. Examples would be forest sustainable use may be allowed if they play a habitat management role.

(e) *Multiple-Use Zones.* - Areas where settlement, traditional and/or sustainable land use, including agriculture, agroforestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the management plan. Land tenure may be granted to tenured residents, whether indigenous cultural community members or migrants.

(f) *Buffer Zone.* - Areas outside the protected area but adjoining it that are established by law (Section 8 of the Act) and under the control of the DENR through the Park Area Management Board. These are effectively multiple-use zones that are to be managed to provide a social fence to prevent encroachment into the protected area by outsiders. Land tenure may be granted to occupants who qualify. Buffer zones should be treated as an integral part of the protected area in management planning.

(g) *Cultural Zones.* - Areas with significant cultural, religious, spiritual or anthropological values where traditional rights exist and ceremonies and/or other cultural practices take place.

(h) *Recreational Zones.* - Areas of high recreational, tourism, educational, or environmental awareness values where sustainable eco-tourism, recreational, conservation education or public awareness activities may be allowed as prescribed in the management plan.

(i) *Special Use Zones.* - Areas containing existing installations of national significance, such as telecommunication facilities, irrigation canals or electric power lines. Such installations may be retained subject to mutual agreements among the concerned parties, provided such installations will not violate any of the prohibitions contained in Section 20 of the Act.

(j) Other management zones such as may be used in the management plan and approved by the Secretary.

The Management Plan and Management Manual

Section 11. *Preparation.* - A Management Manual which contains the protected area Management Plan and supporting data shall be prepared in accordance with Section 9 of the Act. The Management Plan shall serve as the basic long-term framework plan in the management of the protected area and as a guide in the preparation of the annual operations plan and budget. The Management Manual shall be drafted with the assistance of experts in such fields as socioeconomic planning, ecology and protected area management, reviewed and endorsed by the PAWB, and approved by the Secretary.

Section 12. *Content.* - The content of the Management Manual shall include the following:

(a) Executive summary:

(b) Description of the Protected Area:

- (i) Historical Background
- (ii) Biogeographic Setting
- (iii) Regional and Local Setting
- (iv) Topography, Geology and Soils
- (v) Climate
- (vi) Boundaries and the Rationale of Their Location
- (vii) Flora and Fauna, Habitats, and Ecosystems
- (viii) Human Population and Current Land Use
- (ix) Legal Status and Regulations
- (x) Current Management Activities and Research
- (xi) Initial environment Examination Report

(c) Issues:

- (i) Conservation Value
- (ii) Biodiversity Concerns
- (iii) Habitat Rehabilitation Needs
- (iv) Management Constraints
- (v) Local Interests, Rights and Concerns
- (vi) Development Potential, including Tourism
- (vii) Changes Required in Legal Status

(d) Management Plan: This section will draw upon the background and issued to justify the goals, objectives, strategy and management activities to be used.

- (i) Goals - long term
- (ii) Objectives - to be achieved within the life of the project or plan, quantifiable to the extent possible.
- (iii) Key management issues -
- (iv) Site Management Strategy - what is the plan that will integrate management activities to address key management issues to meet the objectives.
- (v) Management Activities - an overall strategy is needed as well as zone specific strategies and management activities. Buffer zones shall be treated as an integral part of the protected area when planning.
 - (a) community organization
 - (b) ancestral domain and rights
 - (c) tenure for tenured protected area and buffer zone residents
 - (d) boundary demarcation
 - (e) management zone boundaries and the rationale for each
 - (f) protection program
 - by wardens
 - by the community
 - (g) habitat rehabilitation
 - (h) habitat management
 - (i) sustainable use
 - (j) infrastructure, including maintenance
 - (k) visitor program and accommodations
 - (l) specific management plans for each management zone, including buffer zones.
- (e) Bio-inventory and Research Program
- (f) Special Studies
- (g) Monitoring and Evaluation
- (h) Management Information Data Base Development
- (i) Administration
 - (i) Staffing
 - (ii) Work Program
 - (iii) Budget
- (j) Annexes

- (i) Maps (1:50,000), pictures, aerial photographs
- (ii) Specialists, etc.
- (iii) References

Section 13. *Public Consultations and Hearings.* - In preparing the management plans, an iterative process of public consultations and hearings with local communities, non-government organizations and people's organizations operating in and/or familiar with the conditions in the concerned protected area, local government units and concerned national government offices shall be undertaken to the fullest extent possible. The goal is a workable plan strongly supported by the local community. It shall be the responsibility of the Regional Executive Director (RED) to ensure compliance with this provision.

Section 14. *Endorsement and Adoption.* - The Management Plan shall be endorsed to the Secretary for his approval and officially adopted by the PAMB in their capacity as representatives of the local communities in the concerned protected areas.

Section 15. *Implementation.* - The Management Plan shall be translated into an annual work program and supporting budget by the protected area staff under the direction of the PAS following the government budgetary cycle. The work program and budget shall be approved by a majority of the PAMB but may be modified from time to time as the situation demands.

Section 16. *Review and Update.* - The Management Plan shall be reviewed and updated on a regular basis, at least once every three (3) years. However, in cases, where significant physical developments occur within the protected area or critical resource constraints prevent the implementation of important programs/projects, the Plan or some components thereof may be revised/modified. Any modification or revision of the Plan shall, be approved by a majority of PAMB members.

Section 17. *National Review of Management Plans.* - To ensure consistency of individual Management Plans with the philosophy, spirit and objectives of the Act with guidelines set forth under the General Management Planning strategy and as provided under section 19 (c) of the Act, the Secretary shall reserve the right to review all plans and proposals for the management of protected areas. In the exercise of this authority, the Secretary shall delegate the review to the IPAS Technical Coordinating Committee in coordination with PAWB. Based on the outcome of the review, the Secretary shall issue the pertinent directories/instructions to concerned implementing units.

Chapter V

The Protected Area Management Board

Section 18 *Duties and Functions of the Board.* - Each established protected area shall be administered by a Protected Area Management Board (PAMB). The Board shall be consensus or majority vote, approve or take necessary actions to:

- (a) Decide matters relating to planning, resource protection and general administration of the area in accordance with the General Management planning Strategy (GMPS).

(b) Approve proposals, work plans, action plans, guidelines, for management of the protected area in accordance with the approved Management Plan.

(c) Delineate and demarcate protected area boundaries buffer zones, ancestral domains, and recognize the rights and privileges of indigenous communities under the provisions of the Act.

(d) Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development consistent with the Management Manual of the protected area.

(e) Ensure the implementation of programs as prescribed in the Management Plan in order to provide employment to the people dwelling in and around the protected area.

(f) Control and regulate the construction, operation and maintenance of roads, trails, water works, sewerage, fire protection and sanitation systems and other public utilities within the protected area.

(g) Monitor and evaluate the performance of protected area personnel, NGOs and the communities in providing for biodiversity conservation and socio-cultural and economic development and report their assessment to the NIPAS Policy and Program Steering Committee (NPPSC) and the IPAF Governing Board.

Section 19. *Composition of the Board.* - Membership of the PAMB shall comprise the following:

(a) The DENR Regional Executive Director (RED) as Chairman and advisor in matters related to the technical aspects of protected area management. When there are two or more REDs on the Board, the Secretary shall designate one of them to be the Chairman.

(b) One representative of the Autonomous regional Government where there is applicable.

(c) The Provincial Development Officer from each province with territory within the protected area.

(d) One representative from each Municipal Government with territory within the protected area.

(e) One representative from each Barangay with territory within the Protected area.

(f) One representative from each tribal community residing within the protected area, if applicable.

(g) At least three (3) representatives from local NGOs and community organizations, including people's organizations, church or civic organizations. These representatives shall be based in or near protected area.

(h) One representative, if necessary, from other national government departments that may be involved in protected area management. In situations wherein two or more such departments are involved, the representative shall be chosen by and among themselves.

Section 20. *Selection and Appointment of Board Members.* - The Secretary shall formally appoint the Board members. The RED(s) and Provincial Development Officer(s) serve ex-officio. Representatives of municipalities and barangays shall be recommended by the head of the local government unit they represent. Each tribal community within the protected area shall

nominate its representative. Concerned NGO/local community organizations based in the area or with recognized interests in protected areas shall choose their representatives by and among themselves.

Section 21. *Term of Office and Compensation.* - Board members shall serve for a term of five years without compensation, except for actual and necessary travelling and subsistence expenses incurred in the performance of their duties. Provided, that whatever a vacancy occurs during the term of a member, a new member shall be appointed in the same manner as the original appointment in order to complete the unfinished term of the said vacancy.

Section 22. *Executive Committee.* - In view of the large size of the Management Board expected in some NIPAS sites, the PAMB may create an Executive Committee to be composed of the RTD as Chairman, and at least two representatives each from local government, concerned NGO's and indigenous cultural communities if applicable. The Board shall determine the authorities to be delegated to the Executive Committee.

Section 23. *Meetings.* - The PAMB shall meet monthly. Provided, that the Executive Committee, when established, may meet in lieu of the full PAMB, provided, further that the PAMB shall meet en-banc at least twice yearly. A quorum shall consist of a majority of the members of the group meeting. The Chairman may call special meetings as deemed necessary. The Board shall formulate guidelines on calling special meetings and how they should be conducted.

Section 24. *Minutes of Meetings.* - Minutes of Board and Executive Committee meetings shall be prepared by the Secretariat (Section 26) and sent to the Secretary by the Chairman within seven (7) days of the meeting.

Section 25. *Authority of the RED to Delegate the PAMB Chairmanship.* - The Secretary shall authorize, as he hereby authorizes, the RED to designate his RTD to represent him as Chairman of the PAMB whenever the RED cannot personally attend Board meetings.

Section 26. *Secretariat.* - The protected area staff shall serve as the Secretariat to the PAMB under the direction of the Protected Area Superintendent.

Section 27. *Removal.* - A member of the PAMB may be removed for cause including the following:

- (a) More than three (3) unexcused absences during regularly scheduled Board meetings;
- (b) Commission of acts prejudicial to protected area management as embodied in Section 20 of R.A. 7586 or other existing rules and regulations governing protected areas;
- (c) graft and corruption; and
- (d) Conviction on criminal acts.

Section 28. *Interim PAMB.* - The Act provides for a PAMB for each established IPAS site. In cases where initial components have been identified and funding made available, the Secretary may create an interim PAMB using the procedures found in Sections 18 through 21 of this Order.

Chapter VI
Administration of NIPAS

Section 29. *Administrative Authority.* - Section 10 of the Act places the NIPAS under control and administration of the DENR and creates a Protected Areas and Wildlife Division (PAWB) under the supervision of a Regional Technical Director in regions where protected areas have been established. Parts (a)-(p) of Section 10 define the Secretary's powers to carry out the mandate of the Act, including the authority to delegate those powers. Section 11 of the Act then provides for a Protected Area Management Board as a vehicle for representative management on site. And, consistent with the twin objectives of delegating management authority and responsibilities to the local and indigenous communities, the following management and administration levels are defined with their corresponding functions and responsibilities to make operational the intentions of the Act.

Central-based

Section 30. *The Secretary.* - The Secretary shall be responsible for the supervision, management and administration of the NIPAS. In the performance of this function, the Secretary shall create an inter-agency committee. For this purpose, the Secretary may create a NIPAS Policy and Program Steering Committee under his chairmanship in order to enhance policy and program coordination within DENR with other government agencies, NGOs and other elements of the private sector.

Section 31. *The Undersecretary.* - Serving the Secretary as technical advisor and performing the above functions in his absence shall be the undersecretary for the Environment and Research or Undersecretary for Field Operations, as the Secretary may so decide.

Section 32. *Protected Areas and Wildlife Bureau (PAWB).* - The PAWB shall, under the leadership of its director, in his absence shall be the Undersecretary for the Environment and Research or the Undersecretary for Field Operations, as the Secretary may so decide.

Section 32. *Additional Responsibilities of the Secretary.* - The Secretary is charged by law with the following additional responsibilities:

(a) *Annual Report to Congress.* - Pursuant to Section 17 of the Act the Secretary shall report to the President, for transmission to Congress on the status of the NIPAS, regulations in force and other pertinent information and recommendations.

(b) *Markers for Protected Areas.* - A uniform marker for NIPAS, including an appropriate and distinctive symbol for each category in the system in consultation with appropriate government agencies and public and private organizations, shall be established by the Secretary.

(c) *Specification on Facilities for Protected Areas.* - The specification of the class, type and style of buildings and other structures to be constructed in protected areas and the materials to be used shall be approved by the Secretary.

Region-Based

Section 34. *Regional Executive Director (RED)*. - The RED, as Chairman of the PAMB, shall:

- (a) enforce policies, rules and regulations adopted by DENR and the PAMB for protected areas under his jurisdiction; and
- (b) represent the interests and concerns of local and indigenous communities and insure that these are addressed by DENR central-based management.

Section 35. *Regional Technical Director (RTD)*. - The RTD shall assist the RED and provide technical direction and supervision over the Protected Areas and wildlife Division. In the absence of the RED, the RTD shall assume the RED's responsibilities over the protect areas.

Section 36. *Protected Areas and Wildlife Division (PAWD)*. - A PAWD shall be created in each region where protected areas have been established. The PAWD shall include subordinate officers, clerks and other employees who shall coordinate and monitor the activities related to protected area management and wildlife resources conservation within the Region.

Site-Based

Section 37. *Protected Area Management Board (PAMB)*. - The PAMB shall perform its functions in accordance with Section 18 of this Order.

Section 38. *The Protected Area Superintendent (PAS)*. - The PAS who shall be residing inside the protected area shall be the chief operating DENR officer at the site. As such, he shall be directly responsible to the PAMB and the RED. His duties and responsibilities shall include the following:

Administrative

- (a) Serve as chief administrative officer of the protected area for the purpose of implementing the Management Plan as detailed in the annual work program.
- (b) Establish a productive partnership with the local community, including groups, in the planning, protection and management of the protected area.
- (c) The performance and good morale of his staff.
- (d) the proper utilization of annual budget allocations and the proper disposition of fees and other funds generated within the protected area.
- (e) Develop and implement a park information, education and visitor program.
- (f) Develop and implement a natural history documentation program and to oversee research that may be conducted within the area.
- (g) Integrate the roles of NGO and DENR staff in the operation of the area.
- (h) Document the processes involved in the establishment and management of the protected area, with particular reference to the development of relationships with cultural communities, tenured migrants, buffer zone residents and others in establishing effective protection of the area. Glean the lessons learned from this documentation and use them in future planning.

Regulatory

(a) To act as peace officer for the purpose of maintaining peace and order within the protected area. as peace officer, he shall exercise police supervision therein, and may arrest any person found in any place within protected areas who is committing, or is about to commit an offense against the provisions of the Act or this Order.

(b) Enforce the rules and regulations established to protect the area and preserve the protected area from trespass, damage, injury and illegal occupancy.

(c) Require, when necessary, any person entering r passing across through or any part of the protected area under his jurisdiction, to give the following information: name, address, the proposed duration of stay inside the protected area and the portion which he intends to visit or has visited and such other information of a similar nature as may be referred to him.

(d) Summarily remove or eject the area persons who have rendered themselves obnoxious by disorderly conduct or bad behavior or who have violated any of the regulations on the protected area;

(e) Require persons cutting and/or gathering forest products or hunting or fishing within the protected area to produce, upon demand, authority or permit to do so.

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

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

Section 39. *Delegation of Authority.* - The PAS may as necessary, delegate the authority granted in Section 24 to his staff.

Section 40. *Other Protected Area Personnel.* - The PAS shall be supported by a sufficient number of personnel who shall be performing day-to-day management, protection and administration of the protected areas. Subject to DBM approval of requested positions and availability of funds.

- (a) Assistant Protected area Manager/Head Protection Officers
- (b) Protected Area and Wardens Officer
- (c) Community relations Officer
- (d) Biologist/Research Workers
- (e) Administrative Officer
- (f) Office Clerks
- (g) Protected Area, Field Maintenance Workers.
- (h) Others as may be required and approved.

At least fifty (50) percent of site level staff shall be received from residents living in the immediate vicinity of the protected area, or be natives of the area.

Section 41. *Budget, Facilities and Allowances for Site-Based Personnel.* - The DENR exert all efforts to provide each protected area with its own budget for salaries, uniforms, fuel, house feed, travel allowances and others as prescribed in the Management Plans. As such, the following shall be provided subject to the availability of funds:

(a) Uniforms. - all protected areas staff shall be provided by DENR with three (3) sets of uniforms replaceable annually.

(b) Housing. - The DENR shall provide housing for all protected area staff required to reside inside the protected area.

(c) Hardship allowances. - All protected area staff shall be provided with twenty-five (25%) percent of their salary as hardship allowance provided they reside at the site.

(d) Other Facilities and Allowances. - The DENR shall provide as necessary, or as recommended by the PAS or Management Board any additional facilities or allowances.

Section 42. *Park Management Board.* - Within one year after the effectivity of the Act, the Secretary shall create a PAMB for each of the protected area. Chapter V above provides the details of the functions, composition, selection, appointment procedures and other matters pertaining to the Board.

Section 43. *Non-government Organizations (NGOs).* - NGO are expected to play a significant role in the establishment and management of many protected areas, particularly in the development community-based mechanisms related to area protection. These would include the development of good community relations, community participation in planning conflict resolution activities and developing the basis for the issuance of tenure instruments.

Chapter VII
Indigenous Cultural Communities

Section 44. *Recognition of Ancestral Domain.* - Ancestral domain and other customary rights and interests of indigenous communities shall be accorded due recognition in protected areas. Moreover, the preservation of ancestral domain and customary rights within protected areas shall be a management objective.

Section 45. *Identification of Indigenous Cultural Communities.* - The protected area staff shall immediately locate any indigenous cultural communities that may exist or near the site and identify themselves to the tribal leaders.

Section 46. *Determination of Ancestral Claims.* - The evaluation of ancestral domain claims shall follow the procedures set for in DAO series of 1991. The PAMB, in coordination with the Indigenous Community Affairs Division of the DENR and other concerned groups, shall undertake this evaluation. The proof of ancestral domain claim shall include, the following evidences:

- (a) Tax declarations and proof of payment of taxes;
- (b) Survey plans and/or sketch maps;
- (c) Spanish documents;
- (d) Historical accounts
- (e) Anthropological data;
- (f) Ancient documents;
- (g) Burial grounds or pictures thereof;
- (h) Written records of customs and traditions;
- (i) Old improvements such as planted trees, stonewalls, rice fields, water systems, orchards, farms, monuments, houses and other old structures, or pictures thereof;
- (j) Written and oral testimonies of living witnesses made under oath;
- (k) Traditional structures of indigenous social and government systems, with names of recognized leaders;
- (l) Religious sites and/or artifacts found in the area;
- (m) Genealogical surveys; and
- (n) Other documents attesting directly or indirectly to the long terms occupation of the area that show possession since time immemorial, or through their predecessors-in-interests, in the concept of owners and in accordance with their customs and traditions.
- (o) Other criteria that may be set by the Secretary or prescribed by law.

Section 47. *Delineation and Demarcation.* - When a claim of ancestral domain is accepted, following the procedures identified in Section 46 of this Order, the Secretary shall direct the delineation and demarcation of the same concerned DENR offices in coordination with the

PAMB. This process shall terminate with the issuance of a Certificate of Ancestral Domain Claim and/or a Community forest Stewardship Agreement until such time as Congress provides other forms of recognition for ancestral domain.

Section 48. *Other Forms of Tenure.* - Members of indigenous cultural communities may avail of other forms of land tenure if they so qualify.

Section 49. *Plans, Policies, and Rules for Land and Resource Use Within Ancestral Domain.* - The formulation and implementation of plans, policies, rules and guidelines governing land and resource use within the territorial domain of indigenous cultural communities shall be done in partnership, with the affected indigenous cultural communities. Such plans, policies, rules and guidelines shall take into consideration: (a) the maintenance of indigenous community rights over livelihood sources; (b) their desires to maintain their socio-cultural and spiritual integrity; (c) prevention of degradation of the areas; and (d) encroachment by any development activities of outside people. therefore, the prohibitions found in Section 70 of this Order shall not be enforced for members of indigenous cultural communities until this process has been completed.

Chapter VIII Tenured Migrants

Section 50. *Recognition of Tenure.* - Any person who has actually and continuously occupied an area for five (5) years prior to its designation as part of a protected area in accordance with the Section 5 (a) of the Act is solely dependent on that area for subsistence shall be considered a tenured migrant. As a tenured migrant he shall be eligible to become a steward of a portion of land within the multiple use management or buffer zone of the protected area, and from which he may derive subsistence. Provided, however, that those migrants who would not qualify for the category for tenure shall be resettled outside the protected area.

Section 51. *Evidence of Tenure.* - The PAMB shall consider the following as evidences in support of tenured migrant status:

- (a) cultivated trees at their fruit-bearing stage;
- (b) physical structures in the area indicating prolonged occupancy;
- (c) tax declaration receipts;
- (d) certification from barangay captain or any two respected members of the nearest community attesting to occupancy; and
- (e) other relevant data (e.g. previous census reports) that may accepted by the PAMB.

Section 52. *Security of Tenure.* - The DENR shall develop a tenure instrument consistent with the conservation goal of IPAS. Such instrument shall be prepared within 12 months of effectivity of the Act.

Section 53. *Restrictions on the Activities of Tenured Migrants Within Protected Areas and Their Buffer Zones.* - The rights, interests and activities of tenured migrants within protected areas and their adjoining buffer zones shall be governed by the principles of biodiversity protection and sustainable development and by the guidelines prescribed in the management plan

as well as the prohibitions out in Section 20 of the Act. Provided, that all plans, policies and guidelines affecting tenured migrants shall be developed and implemented in partnership with them.

Chapter IX Special Uses and Concerns

Section 54. *Energy Exploration.* - Consistent with Section 14 of the Act, surveys for energy resources within the protected areas may be conducted only for the purpose of gathering information on energy reserves in accordance with the management plan. Provided, however, that no surveys or exploration shall be allowed in strict nature reserves and natural parks.

Section 55. *Facilities of Other Government Institutions (GO), NGOs and Private Companies Inside Protected Areas.* - Existing facilities of GOs, NGOs and private institutions that are found inside the protected area shall be assessed in terms of their significance to national interest and their impact on the protected area; provided that on those facilities found significant to national interest, a contract shall be negotiated and payment of fees for the use of the land shall be based on a profit-sharing agreement or other measures in accordance with law; provided further, that those facilities whose purpose are found inconsistent with the goals of the protected area management shall vacate such area at the earliest possible time.

Section 56. *Environment Impact Assessment.* - Proposal for activities which are outside the scope of the management plan for protected areas shall be subject to an environmental impact assessment as required by law before they are adopted, and the results thereof shall be taken into consideration in the decision-making process. No actual implementation of such activities shall be allowed without the required Environment Compliance Certificate (ECC) under the Philippine Environment Impact Assessment (EIA). In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such manner to minimize any adverse effects and take preventive and remedial action when appropriate. The proponent shall be liable for any damage due to lack of caution, or discretion.

Chapter X Protected Area Funds

Section 57. *Integrated Protected Areas Fund (IPAF).* - The IPAF has been established by the Act for the purpose of promoting the sustained financing of the System. The fund may receive revenues generated with protected areas, donor support and other funds as provided by law, and disburse the same to finance of the NIPAS.

Section 58. *IPAF Income Sources.* - IPAF incomes shall be deposited in a Special Account under the name of the Fund with a qualified Philippine Government Bank. The following income has been allocated under the Act for the IPAF.0

- (a) Taxes for the permitted sale and export of flora and fauna and other sources;
- (b) Proceeds from the lease of multiple use area, including tourism concessions;
- (c) contributions from industries and facilities directly benefiting from the protected area;

- d) Fines and fees, including protected area entry fees, collected and derived from operation of the protected area;
- (e) Contributions, donations, endowments and grants from any source; and
- (f) Such other revenues may be derived from the operation of the protected areas.

Section 59. *Fixing of Fees and Charges.* - The Secretary pursuant to Section 10 (f) of the Act, shall fix and prescribed reasonable fees to be collected from government agencies or any person, firm or corporation deriving benefits from the protected areas. Such fees and charges are currently prescribed under DAO 47, Series of 1993. Any changes in the prescribed fees and charges shall be approved by the Secretary upon the recommendation of PAWB through the Undersecretary for the Environment and Research.

Section 60. *Collection of Monies.* - The PAS or his duly appointed representative shall collect pertinent fees, charges and donations at the site and be responsible for depositing the same in the Special Account, The PAS shall submit statement of amount collected during the preceding quarter within the first 15 days of each quarter to the PAMB, who in turn shall submit same to NPPSC through the PAWB, with an extra copy for the Secretary. The PAS shall also remit the required percentage of the collections to the central IPAF account as provided for in Section 61 of this Order.

Section 61. *Fund Administration.* - An IPAF Governing Board shall be established to administer the Fund and to decide on fund allocation among the protected areas. This shall include the creation of subfunds or accounts for: (i) each protected area to receive revenues generated by that area or contributions specified for that area; (ii) contributions or other funds specified for a particular activity that may involve more than one area. Allocations for any protected area shall be managed by its respective PAMB subject to guidelines established by the Board. Provided, that at least seventy-five percent of the revenues generated by a protected area shall be retained for the development and maintenance of that area and utilized subject to the IPAF Board guidelines cited above, with the balance being remitted to the Central IPAF Fund.

Section 62. *Composition of the IPAF Governing Board.* - The Governing Board shall be composed of seven (7) members: the Secretary or his duly authorized representative as ex-officio Chairman of the Board; two (2) from the DENR or other government agency; two (2) from duly accredited NGOs which have proven track records in the field of conservation management; and two (2) representing indigenous communities, the NGO and indigenous community representatives shall be nominated by and among themselves.

Section 63. *Appointment.* - Members of the IPAF Governing Board shall be formally appointed by the Secretary on the basis of above nominations and endorsed to him by the NIPAS Policy and Steering Committee.

Section 64. *Terms and Office.* - IPAF Governing Board members shall serve for a term of three (3) years without compensation from the government, except for travel and other actual expenses incurred in the performance of their duties and responsibilities. After the lapse of three (3) years, a new appointment by the Secretary is necessary to enable any member to continue his functions. Any vacancy shall be filled in the same manner as the original appointment and

maintain the specified balance in representation. If the vacancy occurs, during a regular term of office, the replacement shall serve only the unexpired portion of the original appointment.

Section 65. *Functions of the IPAF Governing Board.* - The Governing Board shall perform the following functions:

(a) Determine and decide procedures on the management, allocation and disbursement of the IPAF and decide by a majority vote, on issues and problems concerning the same.

(b) Issue guidelines to account and audit the funds released and disbursed to ensure the protection and maximum utility of the IPAF.

(c) Issue guidelines to govern the conduct of its business.

Section 66. *Disbursements.* - Disbursements from the Fund or any of its sub funds shall be made solely for the protection, maintenance, administration and management of the NIPAS and duly approved projects endorsed by the PAMBs, in the amounts authorized by the Secretary or his duly designated representative.

Section 67. *Meetings.* - the Governing Board shall meet the first Monday of each quarter of the year to discuss its business. Any member of the Governing Board may, by written request, call a special meeting on any other date.

Section 68. *Quorum.* - A majority of the Board membership shall constitute a quorum.

Section 69. *Removal from Office.* - The Secretary may remove and replace any member for cause, including the following:

(a) Commission of graft and corruption.

(b) Commission of acts prejudicial to the Fund.

(c) Incurring more than three (3) consecutive absences.

Chapter XI Prohibited Acts and Penalties

Section 70. *Prohibited Acts.* - Pursuant to Section 20 of the Act and Section 48 of this Order, the following are prohibited acts inside protected areas:

(a) Hunting, destroying, disturbing, or mere possession of any plant or animal or products derived there from without a permit, specifically authorizing such activity, from the Board or in the case of indigenous cultural communities without a mutually agreed policy;

(b) Dumping or otherwise disposing of any waste products detrimental to the protected area to the plants and animals or inhabitants therein;

(c) Use of any motorized equipment without a permit;

(d) Mutilating, defacing or destroying objects of natural beauty, or burial grounds, religious sites, artifacts or other objects belonging to cultural communities;

(e) Damaging and leaving roads and trails in damaged condition;

- (f) Squatting, mineral exploration, or otherwise illegally occupying any land;
- (g) Constructing or maintaining any kind of structure, fence or enclosures conducting any business enterprise without a permit;
- (h) Leaving in exposed or unsanitary condition, refuse or debris or disposing wastes in bodies of water;
- (i) Altering, removing, destroying or defacing boundary marks or signs.

Section 71. *Penalties.* - Any person found guilty of any offense enumerated above shall pursuant to Section 21 of the Act, be fined in the amount of not less than Five Thousand Pesos (P5, 000.00) or more than Five Hundred Thousand Pesos (P500, 000.00), exclusive of the value of the thing damaged, or imprisonment for not less than one (1) year but not more than six (6) years, or both as determined by the court. Provided, that if the area requires rehabilitation or restoration as determined by the court. Provided, that if the area requires rehabilitation to restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damage; Provided further, that the court shall order the eviction of the offender from the land and the forfeiture in favor of the government of all mineral, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made therein by the offender. If the offender is an association or corporation the president or manager shall be directly responsible for the act of his employees and laborers. Provided finally that, the DENR may impose administrative fines and penalties consistent with this Act.

Chapter XII General Provisions

Section 72 Amendment. - This Order may be amended wholly or in part by the Secretary through public notification.

Section 73. *Repealing Clause.* - The Order repeals, modified or amends, accordingly all previous order, memoranda, circulars and other issuances inconsistent herewith.

Section 74. *Effectivity.* This order shall take effect fifteen (15) days after its complete publication in newspapers of general circulation.

(Sgd.) **FULGENCIO S. FACTORAN, JR.**
Secretary