REPUBLIC ACT No. 9303

AN ACT DECLARING MT. HAMIGUITAN RANGE AND ITS VICINITIES AS PROTECTED AREA UNDER THE CATEGORY OF WILDLIFE SANCTUARY AND ITS PERIPHERAL AREAS AS BUFFER ZONE AND APPROPRIATING FUNDS THEREFORE

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

SECTION 1. ***Short Title***. – This Act shall be known as Mt. Hamiguitan Range Wildlife Sanctuary Act of 2004.

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 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 provide 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 principle.

SEC. 3. Scope. – Certain parcels of land situated in the municipalities of Mati, San Isidro and Governor Generoso, Province of Davao Oriental, Island of Mindanao are hereby established as a protected area under the category of wildlife sanctuary to be known as the Mt. Hamiguitan Range Wildlife Sanctuary and the areas within its peripheral areas as buffer zone. Such protected area and buffer zone shall become part of the National Integrated Protected Areas System (NIPAS) subject to such rights as are provided for in this Act.

The Department of Environment and Natural Resources (DENR) shall mark on the ground the boundaries set forth in this Act which shall not be modified except by an act of Congress. The parcels of land covered herein are more particularly described by the following technical description:

B. PROTECTED AREA

Bounded by its peripheral area as buffer zone, beginning at a point marked “1” on the map and on the ground being S 48° 49” E from the junction of Dumagooc River and Licub Creek:

Thence	N 48° 49’ W,	265.80 meters to corner 2,
Thence	N 02° 29’ E,	575.50 meters to corner 3,
Thence	N 05° 26’ W,	527.40 meters to corner 4,
Thence	N 21° 03’ E,	456.50 meters to corner 5,
Thence	N 21° 02’ E,	348.20 meters to corner 6,
Thence	N 48° 01’ E,	336.30 meters to corner 7,
Thence	N 26° 34’ E,	391.30 meters to corner 8,
Thence	N 26° 34’ E,	469.60 meters to corner 9,
Thence	N 36° 26’ E,	261.00 meters to corner 10,
Thence	N 13° 30’ W,	385.70 meters to corner 11,
Thence	N 37° 42’ W,	278.00 meters to corner 12,
Thence	N 37° 43’ W,	335.00 meters to corner 13,
Thence	N 37° 43’ W,	335.00 meters to corner 14,
Thence	N 45° 00’ E,	459.60 meters to corner 15,
Thence	N 28° 04’ W,	340.00 meters to corner 16,
Thence	N 11° 19’ E,	433.40 meters to corner 17,
Thence	N 25° 10’ E,	552.50 meters to corner 18,
Thence	N 24° 23’ E,	411.70 meters to corner 19,
Thence	N 23° 58’ W,	492.40 meters to corner 20,
Thence	N 07° 40’ W,	524.70 meters to corner 21,
Thence	N 07° 31’ W,	458.90 meters to corner 22,
Thence	N 09° 05’ W,	506.40 meters to corner 23,
Thence	N 02° 23’ W,	552.40 meters to corner 24,
Thence	N 52° 30’ E,	460.00 meters to corner 25,
Thence	N 52° 34’ E,	510.00 meters to corner 26,
Thence	N 52° 26’ E,	410.00 meters to corner 27,
Thence	N 61° 42’ E,	369.10 meters to corner 28,
Thence	N 23° 58’ E,	246.20 meters to corner 29,
Thence	N 31° 24’ E,	451.10 meters to corner 30,
Thence	N 78° 41’ E,	407.90 meters to corner 31,
Thence	N 35° 45’ E,	308.10 meters to corner 32,
Thence	N 35° 00’ E,	305.20 meters to corner 33,

Thence	N 64° 00’ E,	456.20 meters to corner 34,
Thence	N 41° 23’ E,	279.90 meters to corner 35,
Thence	N 42° 31’ W,	407.00 meters to corner 36,
Thence	N 34° 34’ E,	273.20 meters to corner 37,
Thence	N 11° 19’ E,	458.90 meters to corner 38,
Thence	N 46° 55’ E,	424.50 meters to corner 39,
Thence	N 46° 24’ E,	290.00 meters to corner 40,
Thence	N 58° 24’ E,	305.30 meters to corner 41,
Thence	N 00° 00’ E,	225.00 meters to corner 42,
Thence	N 90° 00’ E,	400.00 meters to corner 43,
Thence	S 72° 46’ E,	322.10 meters to corner 44,
Thence	S 45° 00’ W,	226.30 meters to corner 45,
Thence	S 45° 00’ E,	353.60 meters to corner 46,
Thence	N 79° 03’ E,	315.80 meters to corner 47,
Thence	S 27° 46’ E,	429.40 meters to corner 48,
Thence	S 82° 53’ W,	201.60 meters to corner 49,
Thence	S 50° 54’ W,	515.40 meters to corner 50,
Thence	N 90° 00’ E,	350.00 meters to corner 51,
Thence	N 72°54’ W,	340.00 meters to corner 52,
Thence	N 59° 14’ E,	244.40 meters to corner 53,
Thence	N 59° 14’ E,	244.40 meters to corner 54,
Thence	S 39° 48’ E,	273.40 meters to corner 55,
Thence	S 25° 01’ E,	496.60 meters to corner 56,
Thence	S 25° 10’ E,	458.50 meters to corner 57,
Thence	S 00° 00’ E,	310.00 meters to corner 58,
Thence	N 90° 00’ W,	260.00 meters to corner 59,
Thence	S 24° 27’ W,	302.10 meters to corner 60,
Thence	S 59° 26’ W,	291.60 meters to corner 61,
Thence	S 09° 50’ E,	380.60 meters to corner 62,
Thence	N 66° 48’ E,	190.40 meters to corner 63,
Thence	N 66° 40’ E,	277.70 meters to corner 64,
Thence	S 47° 04’ E,	293.60 meters to corner 65,
Thence	S 76° 42’ E,	282.60 meters to corner 66,
Thence	S 07° 12’ E,	478.80 meters to corner 67,
Thence	S 24° 27’ E,	302.10 meters to corner 68,
Thence	N 21° 48’ E,	269.30 meters to corner 69,
Thence	N 64° 30’ W,	360.10 meters to corner 70,
Thence	S 38° 40’ W,	288.10 meters to corner 71,
Thence	N 38° 40’ W,	256.10 meters to corner 72,

Thence	S 60° 57’ W,	360.40 meters to corner 73,
Thence	S 53° 08’ E,	250.00 meters to corner 74,
Thence	S 18° 58’ W,	169.20 meters to corner 75,
Thence	S 63°26’ E,	167.70 meters to corner 76,
Thence	S 33° 41’ W,	180.30 meters to corner 77,
Thence	S 29° 45’ E,	201.30 meters to corner 78,
Thence	S 41° 45’ E,	531.60 meters to corner 79,
Thence	S 90° 00’ E,	280.00 meters to corner 80,
Thence	S 23° 12’ W,	380.80 meters to corner 81,
Thence	S 23° 34’ W,	300.00 meters to corner 82,
Thence	S 19° 59’ E,	468.20 meters to corner 83,
Thence	S 19° 30’ E,	254.60 meters to corner 84,
Thence	N 77° 17’ E,	315.80 meters to corner 85,
Thence	S 26° 02’ E,	478.50 meters to corner 86,
Thence	S 26° 34’ E,	559.00 meters to corner 87,
Thence	S 04° 17’ W,	401.10 meters to corner 88,
Thence	S 04° 20’ W,	290.80 meters to corner 89,
Thence	S 71° 34’ E,	316.20 meters to corner 90,
Thence	S 14° 11’ W,	469.30 meters to corner 91,
Thence	N 86° 41’ W,	270.40 meters to corner 92,
Thence	S 36° 02’ E,	340.00 meters to corner 93,
Thence	S 43° 25’ W,	509.30 meters to corner 94,
Thence	S 43° 09’ W,	329.00 meters to corner 95,
Thence	N 79° 01’ W,	341.30 meters to corner 96,
Thence	S 09° 28’ E,	456.20 meters to corner 97,
Thence	S 42° 12’ W,	580.50 meters to corner 98,
Thence	S 42° 05’ W,	485.00 meters to corner 99,
Thence	S 42° 10’ W,	342.70 meters to corner 100,
Thence	S 11°13’ W,	418.70 meters to corner 101,
Thence	S 11° 41’ W,	419.70 meters to corner 102,
Thence	N 90° 00’ W,	500.00 meters to corner 103,
Thence	N 90° 00’ W,	425.00 meters to corner 104,
Thence	N 90° 00’ W,	590.00 meters to corner 105,
Thence	N 90° 00’ W,	680.00 meters to corner 106,
Thence	N 90° 00’ W,	430.00 meters to corner 107,
Thence	N 90° 00’ W,	360.00 meters to corner 108,
Thence	N 90° 00’ W,	320.00 meters to corner 109,
Thence	N 39° 48’ W,	390.50 meters to corner 110,
Thence	N 26° 34’ W,	335.40 meters to corner 111,

Thence N 26° 19' W, 507.60 meters to corner 112,
Thence N 46° 51' W, 329.00 meters to corner 113,
Thence N 46° 44' W, 350.20 meters to corner 114,
Thence N 05° 29' W, 627.90 meters to corner 115,
Thence N 03° 15' W, 354.32 meters to the point of beginning.

BUFFER ZONE

Bounded on the northeast to southeast directions from corner 30 to corner 82 by Project No. 9-J, Block-A, Timberland under L.C. map No. 2660, certified on September 5, 1975; on the South from corner 82 to corner 96 by Project No. 3-E, Block-C, per L.C. Map No. 2660, certified on September 5, 1975; from corner 96 to corner 97 and corner 1 to corner 2 by Project No. 3-F, Block-III, Alienable and Disposable per L.C. Map No. 2660, certified on September 5, 1975; and from corner 30 by Project No. 33 Block-A, Timberland per L.C. Map No. 2667, certified on July 23, 1971. Beginning at a point marked "1" on the map and on the ground being identical to corner 2 of the Wildlife Sanctuary:

Thence N 48°49' W, 256.80 meters to corner 2,
Thence N 02° 29' E, 600.00 meters to corner 3,
Thence N 05° 26' W, 530.00 meters to corner 4,
Thence N 21° 03' E, 550.00 meters to corner 5,
Thence N 21° 03' E, 420.00 meters to corner 6,
Thence N 48° 01' E, 390.00 meters to corner 7,
Thence N 26° 34' E, 300.00 meters to corner 8,
Thence N 26° 34' E, 500.00 meters to corner 9,
Thence N 36° 26' E, 250.00 meters to corner 10,
Thence N 13° 30' E, 250.00 meters to corner 11,
Thence N 37° 42' W, 190.00 meters to corner 12,
Thence N 37° 43' W, 300.00 meters to corner 13,
Thence N 37° 43' W, 500.00 meters to corner 14,
Thence N 45° 00' E, 480.00 meters to corner 15,
Thence N 28° 04' W, 300.00 meters to corner 16,
Thence N 11° 19' E, 420.00 meters to corner 17,
Thence N 25° 10' E, 600.00 meters to corner 18,
Thence N 24° 23' E, 350.00 meters to corner 19,

Thence	N 23° 58’ W,	380.00 meters to corner 20,
Thence	N 07° 40’ W,	630.00 meters to corner 21,
Thence	N 07° 31’ W,	420.00 meters to corner 22,
Thence	N 09° 05’ W,	520.00 meters to corner 23,
Thence	N 09° 23’ W,	650.00 meters to corner 24,
Thence	N 52° 30’ E,	610.00 meters to corner 25,
Thence	N 02° 34’ E,	460.00 meters to corner 26,
Thence	N 52° 26’ E,	420.00 meters to corner 27,
Thence	N 61° 42’ E,	350.00 meters to corner 28,
Thence	N 23° 58’ E,	170.00 meters to corner 29,
Thence	N 31° 24’ E,	610.00 meters to corner 30,
Thence	S 78° 41’ E,	400.00 meters to corner 31,
Thence	N 35° 45’ E,	620.00 meters to corner 32,
Thence	N 64° 00’ E,	620.00 meters to corner 33,
Thence	S 41° 23’ E,	490.00 meters to corner 34,
Thence	S 42° 31’ W,	400.00 meters to corner 35,
Thence	S 34° 34’ E,	120.00 meters to corner 36,
Thence	S 11° 19’ E,	200.00 meters to corner 37,
Thence	S 46° 55’ E,	500.00 meters to corner 38,
Thence	N 58° 24’ E,	600.00 meters to corner 39,
Thence	S 00° 00’ E,	150.00 meters to corner 40,
Thence	S 90° 00’ E,	330.00 meters to corner 41,
Thence	S 27° 46’ E,	590.00 meters to corner 42,
Thence	S 45° 00’ W,	310.00 meters to corner 43,
Thence	S 27° 46’ E,	550.00 meters to corner 44,
Thence	N 59° 14’ E,	400.00 meters to corner 45,
Thence	S 39° 48’ E,	450.00 meters to corner 46,
Thence	S 25° 01’ E,	550.00 meters to corner 47,
Thence	S 25° 10’ E,	500.00 meters to corner 48,
Thence	S 00° 00’ E,	560.00 meters to corner 49,
Thence	N 90° 00’ W,	300.00 meters to corner 50,
Thence	S 24° 27’ W,	200.00 meters to corner 51,
Thence	S 47° 04’ E,	380.00 meters to corner 52,
Thence	S 76° 42’ E,	400.00 meters to corner 53,
Thence	S 07° 12’ E,	560.00 meters to corner 54,
Thence	S 24° 27’ E,	400.00 meters to corner 55,
Thence	S 21° 48’ W,	700.00 meters to corner 56,
Thence	N 64° 30’ W,	400.00 meters to corner 57,
Thence	S 38° 40’ W,	300.00 meters to corner 58,

Thence	S 63° 26’ E,	100.00 meters to corner 59,
Thence	S 33° 41’ W,	290.00 meters to corner 60,
Thence	S 29° 45’ E,	210.00 meters to corner 61,
Thence	S 41° 11’ W,	400.00 meters to corner 62,
Thence	N 90° 00’ E,	110.00 meters to corner 63,
Thence	S 23° 12’ W,	600.00 meters to corner 64,
Thence	S 23° 34’ W,	300.00 meters to corner 65,
Thence	S 19° 59’ E,	410.00 meters to corner 66,
Thence	S 19° 30’ E,	300.00 meters to corner 67,
Thence	N 77° 17’ E,	670.00 meters to corner 68,
Thence	S 26° 02’ E,	550.00 meters to corner 69,
Thence	S 04° 17’ W,	650.00 meters to corner 70,
Thence	S 71° 34’ E,	310.00 meters to corner 71,
Thence	S 14° 11’ W,	780.00 meters to corner 72,
Thence	S 36° 02’ E,	550.00 meters to corner 73,
Thence	S 43° 25’ W,	700.00 meters to corner 74,
Thence	S 43° 09’ W,	480.00 meters to corner 75,
Thence	N 79° 01’ W,	190.00 meters to corner 76,
Thence	S 09° 28’ E,	300.00 meters to corner 77,
Thence	S 42° 12’ W,	680.00 meters to corner 78,
Thence	S 42° 05’ W,	480.00 meters to corner 79,
Thence	S 42° 10’ W,	230.00 meters to corner 80,
Thence	S 11° 13’ W,	400.00 meters to corner 81,
Thence	S 11° 41’ W,	570.00 meters to corner 82,
Thence	N 90° 00’ W,	690.00 meters to corner 83,
Thence	N 90° 00’ W,	425.00 meters to corner 84,
Thence	N 90° 00’ W,	590.00 meters to corner 85,
Thence	N 90° 00’ W,	680.00 meters to corner 86,
Thence	N 90° 00’ W,	430.00 meters to corner 87,
Thence	N 90° 00’ W,	360.00 meters to corner 88,
Thence	N 90° 00’ W,	320.00 meters to corner 89,
Thence	N 39° 48’ W,	480.00 meters to corner 90,
Thence	N 26° 34’ W,	400.00 meters to corner 91,
Thence	N 26° 19’ W,	470.00 meters to corner 92,
Thence	N 46° 51’ W,	300.00 meters to corner 93,
Thence	N 46° 44’ W,	470.00 meters to corner 94,
Thence	N 05° 29’ W,	730.00 meters to corner 95,
Thence	N 79° 01’ W,	341.30 meters to corner 96,
Thence	S 09° 28’ E,	456.20 meters to corner 97,

Thence	S 48° 49’ E,	265.80 meters to corner 98,
Thence	S 03° 15’ E,	354.32 meters to corner 99,
Thence	S 05° 29’ E,	627.90 meters to corner 100,
Thence	S 46° 44’ E,	350.20 meters to corner 101,
Thence	S 46° 51’ E,	329.00 meters to corner 102,
Thence	S 26° 19’ E,	507.60 meters to corner 103,
Thence	S 26° 34’ E,	335.40 meters to corner 104,
Thence	S 39° 48’ E,	390.50 meters to corner 105,
Thence	S 90° 00’ E,	320.00 meters to corner 106,
Thence	S 90° 00’ E,	360.00 meters to corner 107,
Thence	S 90° 00’ E,	430.00 meters to corner 108,
Thence	S 90° 00’ E,	680.00 meters to corner 109,
Thence	S 90° 00’ E,	590.00 meters to corner 110,
Thence	S 90° 00’ E,	425.00 meters to corner 111,
Thence	S 90° 00’ E,	500.00 meters to corner 112,
Thence	N 11° 41’ E,	419.70 meters to corner 113,
Thence	N 11° 13’ E,	418.70 meters to corner 114,
Thence	N 42° 10’ E,	342.70 meters to corner 115,
Thence	N 42° 05’ E,	485.00 meters to corner 116,
Thence	N 42° 12’ E,	580.50 meters to corner 117,
Thence	N 09° 28’ W,	456.20 meters to corner 118,
Thence	S 79° 01’ E,	541.30 meters to corner 119,
Thence	N 43° 09’ E,	329.00 meters to corner 120,
Thence	N 43° 25’ E,	509.30 meters to corner 121,
Thence	N 36° 02’ E,	340.00 meters to corner 122,
Thence	N 86° 41’ E,	270.40 meters to corner 123,
Thence	N 14° 11’ E,	469.30 meters to corner 124,
Thence	N 71° 34’ W,	316.20 meters to corner 125,
Thence	N 04° 20’ E,	290.80 meters to corner 126,
Thence	N 04° 17’ E,	401.10 meters to corner 127,
Thence	N 26° 34’ W,	559.00 meters to corner 128,
Thence	N 26° 02’ W,	478.50 meters to corner 129,
Thence	S 77° 17’ W,	315.80 meters to corner 130,
Thence	N 19° 30’ W,	254.60 meters to corner 131,
Thence	N 19° 59’ W,	468.20 meters to corner 132,
Thence	N 23° 34’ E,	300.00 meters to corner 133,
Thence	N 23° 12’ E,	380.80 meters to corner 134,
Thence	S 90° 00’ W,	280.00 meters to corner 135,
Thence	N 41° 11’ E,	531.60 meters to corner 136,

Thence	N 29° 45’ W,	201.60 meters to corner 137,
Thence	N 33° 41’ E,	180.30 meters to corner 138,
Thence	N 63° 26’ W,	167.70 meters to corner 139,
Thence	N 18° 58’ E,	169.20 meters to corner 140,
Thence	N 53° 08’ W,	250.00 meters to corner 141,
Thence	N 60° 57’ W,	360.40 meters to corner 142,
Thence	N 38° 40’ E,	256.10 meters to corner 143,
Thence	N 38° 40’ W,	288.10 meters to corner 144,
Thence	N 64° 30’ W,	360.10 meters to corner 145,
Thence	N 21° 48’ E,	269.30 meters to corner 146,
Thence	N 24° 27’ W,	302.10 meters to corner 147,
Thence	N 07° 12’ W,	478.80 meters to corner 148,
Thence	N 76° 42’ W,	282.60 meters to corner 149,
Thence	N 47° 04’ W,	293.60 meters to corner 150,
Thence	S 66° 40’ W,	277.70 meters to corner 151,
Thence	S 66° 48’ W,	190.40 meters to corner 152,
Thence	N 09° 50’ E,	380.60 meters to corner 153,
Thence	N 59° 02’ E,	291.60 meters to corner 154,
Thence	N 24° 27’ E,	302.10 meters to corner 155,
Thence	N 90° 00’ E,	260.00 meters to corner 156,
Thence	N 00° 00’ E,	310.00 meters to corner 157,
Thence	N 25° 10’ W,	458.50 meters to corner 158,
Thence	N 25° 01’ W,	496.60 meters to corner 159,
Thence	N 39° 48’ W,	273.40 meters to corner 160,
Thence	S 59° 14’ W,	244.40 meters to corner 161,
Thence	S 59° 14’ W,	244.40 meters to corner 162,
Thence	S 72° 54’ W,	340.00 meters to corner 163,
Thence	S 90° 00’ E,	350.00 meters to corner 164,
Thence	N 50° 54’ E,	515.40 meters to corner 165,
Thence	N 82° 53’ E,	201.60 meters to corner 166,
Thence	N 27° 46’ W,	429.40 meters to corner 167,
Thence	S 79° 03’ W,	315.80 meters to corner 168,
Thence	N 45° 00’E,	353.60 meters to corner 169,
Thence	N 45° 00’ E,	226.30 meters to corner 170,
Thence	N 27° 48’ W,	322.10 meters to corner 171,
Thence	S 90° 00’ W,	400.00 meters to corner 172,
Thence	N 00° 00’ W,	225.00 meters to corner 173,
Thence	N 58° 24’ W,	305.30 meters to corner 174,
Thence	S 46° 24’ W,	290.00 meters to corner 175,

Thence S 46° 55’ W, 424.50 meters to corner 176,
Thence N 11° 19’ W, 458.90 meters to corner 177,
Thence N 34° 34’ W, 273.20 meters to corner 178,
Thence N 42° 31’ E, 407.00 meters to corner 179,
Thence N 41° 23’ W, 279.90 meters to corner 180,
Thence N 64° 00’ W, 456.20 meters to corner 181,
Thence S 35° 00’ W, 305.20 meters to corner 182,
Thence S 35° 45’ W, 308.10 meters to corner 183,
Thence N 78° 41’ W, 407.90 meters to corner 184,
Thence S 31° 24’ W, 451.10 meters to corner 185,
Thence S 23° 58’ W, 246.20 meters to corner 186,
Thence S 61° 42’ W, 369.10 meters to corner 187,
Thence S 52° 26’ W, 410.00 meters to corner 188,
Thence S 52° 34’ W, 510.00 meters to corner 189,
Thence S 52° 30’ W, 460.00 meters to corner 190,
Thence S 09° 23’ E, 552.40 meters to corner 191,
Thence S 09° 05’ E, 506.40 meters to corner 192,
Thence S 07° 31’ E, 458.90 meters to corner 193,
Thence S 07° 40’ E, 524.70 meters to corner 194
Thence S 23° 58’ E, 492.40 meters to corner 195,
Thence S 24° 23’ W, 411.70 meters to corner 196,
Thence S 25° 10’ W, 552.50 meters to corner 197,
Thence S 11° 19’ W, 433.40 meters to corner 198,
Thence S 28° 04’ E, 340.00 meters to corner 199,
Thence S 45° 00’ W, 459.60 meters to corner 200,
Thence S 37° 43’ E, 335.00 meters to corner 201,
Thence S 37° 43’ E, 335.00 meters to corner 202,
Thence S 37° 42’ E, 278.00 meters to corner 203,
Thence S 13° 30’ W, 385.70 meters to corner 204,
Thence S 36° 26’ W, 261.00 meters to corner 205,
Thence S 26° 34’ W, 469.60 meters to corner 206,
Thence S 26° 34’ W, 391.30 meters to corner 207,
Thence S 48° 01’ W, 336.30 meters to corner 208,
Thence S 21° 02’ W, 348.20 meters to corner 209,
Thence S 03° 00’ W, 456.50 meters to corner 210,
Thence S 05° 26’ E, 527.40 meters to corner 211,
Thence S 02° 29’ W, 575.50 meters to the point of beginning, containing an area of approximately six thousand eight hundred thirty-four hectares (6,834 has.) more or less.

SEC. 4. ***Definition of Terms.*** **–**

(a) "National Integrated Protected Area System (NIPAS)" refers to the classification and inclusion of all designated protected areas into one system pursuant to Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992 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 zone" refers to identified areas outside the boundaries of and immediately adjacent to designated areas that need special development control in order to avoid or minimize harm to the protected area.

(d) "Wildlife sanctuary" refers to an area which assure the natural conditions necessary to protect nationally significant species, group of species, biotic communities or physical features of the environment where these may require specific human manipulation for their perpetuation.

(e) "Indigenous Cultural Community (ICC)" refers to a group of people sharing common bonds of language, customs and tradition and other distinct cultural traits, as further defined under Republic Act No. 8371 or the Indigenous People Rights Act (IPRA) of 1997.

(f) "Natural park" refers to a relatively large area not materially altered by human activity where extractive resource uses are not allowed or maintain to protect outstanding natural and scenic of national or international significance for scientific, educational and recreational use.

(g) “Tenured migrants” refer to occupants within the protected area who have actually and continuously occupied such area for five (5) years before the designation of the same as protected area and are solely dependent therein for subsistence.

(h) “Biodiversity” refers to the variety of life in all its forms found on earth.

(i) “Protected Area Management Board (PAMB)” refers to a multi-sectoral body tasked in planning for the appropriate management strategy to ensure resource protection and the general administration of the protected area.

(j) “Private rights” refers to the right of individual persons to own, under existing laws, and in the case of indigenous cultural communities, rights of possession since time immemorial, which possession may include places of adobe and worship, burial grounds and well-defined territories.

SEC. 5. *Management Plan.* – A management plan and a management manual consistent with the General Management Planning Strategy (GMPS) pursuant to republic Act No. 7586 shall be prepared by the DENR in coordination with the PAMB of the MT. Hamiguitan Range Wildlife Sanctuary, concerned LGUs, and other sectors affected which shall serve as bases for the protection and conservation of the biodiversity of the protected area.

The management plan shall be approved by the PAMB and certified to by the DENR Secretary that it conforms t the national laws, this Act, and pertinent DENR rules and regulations on protected areas.

SEC. 6. *Administration and Management*. – The Mt. Hamiguitan Range Wildlife Sanctuary shall under the administrative jurisdiction of the DENR through the PAMB. Pursuant hereto, the following institutional arrangement is hereby adopted:

(A) The Department of Environment and Natural Resources (DENR). – The Secretary of the DENR shall have supervision over the management of Mt. Hamiguitan Range

Wildlife Sanctuary, hereinafter referred to as the Protected Area (PA), and is empowered to perform any and all of the following acts:

(a) Cause the boundary demarcation of the PA;
(b) Conduct of studies on various characteristics, features and conditions of the PA;
(c) Adopt and enforce land-use schemes and zoning plan in adjoining area that may threaten the ecological balance in the PA;
(d) Certify that the PA Management Plan conforms to all national rules and regulations on protected area management, and to communicate objections, if any, to the PAMB within sixty (60) days upon receipt thereof, otherwise the PA Management Plan is considered approved;
(e) Coordinate with other government agencies, academic institutions, etc., for collaborative programs, projects and activities affecting the PA;
(f) Submit to the Office of the President and to Congress the annual report of the PA; and
(g) Formulate the implementing rules and regulations necessary to carry out the provisions of this Act.

(B) The Protected area Management Board (PAMB). – There shall be a Protected Area Management Board which shall serve as the highest policy-making body of the Mt. Hamiguitan Range Wildlife Sanctuary. It shall be composed of the following: the Regional Executive Director (RED) of DENR Region XI who shall act as PAMB Chairman; the Provincial Governor of Davao Oriental or his authorized representative; the Provincial Planning and Development Officer or his authorized representative; the municipality/city mayors of Mati, San Isidro and Governor Generoso or their respective authorized representatives; all barangay captains within Mt. Hamiguitan Range Wildlife Sanctuary; three (3) representatives from people's organizations and nongovernment organizations from the municipalities of Mati, San Isidro and Governor Generoso; representatives from other departments or national government agencies operating within the protected are which can potentially

contribute to protected area management; and other stakeholders who can potentially contribute in the protection, preservation and conservation of the Mt. Hamiguitan Range Wildlife Sanctuary.

Specifically, the PAMB shall exercise the following powers and functions:

(1) Review, approve and adopt a management plan for the PA;
(2) Review the deputation of individuals/groups to augment the PA's protection personnel and thereafter indorse the list to the regional executive director for approval;
(3) Fix and impose administrative fees for the use of the PA and fines for violations of prohibited acts in the PA;
(4) Approve contracts and agreements consistent with the purpose of this Act except international contracts and agreements;
(5) Accept donations and grants in the form of contributions and endowments;
(6) Review and approve a work and financial plan for the PA;
(7) Coordinate with other government agencies, academic institutions, etc., involved in the management, development and conservation of the PA;
(8) Submit an annual report to the DENR Secretary;
(9) Delegate authority to the PAMB Executive Committee;
(10) Prepare or cause the inventory of protected flora and fauna;
(11) Permit, control or regulate the following within the PA:
    (a) Infrastructures;
    (b) Public Utilities;
    (c) Occupancy of appropriate management zones;
    (d) Dumping of waste;
    (e) Use of motorized equipment;
    (f) Business enterprise;
    (g) Other use of the PA such as mountain climbing, research/study; and
    (h) Recreational activities.

(12) Promulgate rules and policies for the conduct of its business; and
(13) Initiate and file suits against entities whose existence and/or operations have detrimental effect on the PA.

(C) The DENR Regional Executive Director (RED) for Region XI -
(a) As chairman of the PAMB, sign/approve contracts and agreements consistent wit this Act except international contracts and agreements; and
(b) Approve the deputation of field officers.

(D) The Protected Area Superintendent's Office (PASO). – There is hereby created a Protected Area Superintendent's Office which shall be supported by a sufficient number of personnel who shall perform day-to-day management, protection and administration of the PA. The head of the office shall be the chief operation officer of the Mt. Hamiguitan Range Wildlife Sanctuary and shall be accountable to the RED of the DENR-Region XI and the PAMB.

SEC. 7. *Existing Facilities within the PA*. – Existing facilities within the PA prior to the enhancement of this Act shall be subjected to inventory and assessment by the PAMB using its own criteria which shall consider the impact of said facilities on the PA, on biodiversity conservation, resolution of possible conflict between public interest against local interest and national significance of said facilities.

The PAMB, through the PASO, shall monitor the operations of said facilities and shall recommend appropriate actions/measures if said facilities are found not consistent with the purpose of this Act. the PAMB shall also impose royalties or administrative fees or adopt a profit sharing scheme on said facilities subject to negotiations with concerned proponents.

SEC. 8. *Ancestral Lands and Rights Over Them*. – Ancestral lands and domain within the PA shall be recognized and managed pursuant to republic Act No. 8371.

SEC. 9. ***Tenured Migrants*****.** - Tenured migrants shall be eligible to become stewards of portions of land within production zones as may be designated by the DENR and from which they may derive subsistence. The DENR shall develop an appropriate tenurial instrument for these inhabitants within the PA.

Tenured migrants shall be considered and treated individually or per household on the basis of head of families with legitimate dependents.

Tenured migrants occupying portions of ancestral domain shall be treated separately. The PAMB shall develop appropriate mechanisms to resolve any dispute arising therein. Absentee/ transient migrants in the PA who do not qualify as tenured migrants shall not be eligible to become stewards of portions of land within multiple-use and sustainable zones.

SEC. 10. ***Other Activities Within the PA.*** – Proposals for activities like construction of drams, irrigation, canals transmission lines, access roads/trails and buildings which are outside the scope of the management plan for the PA shall, upon permission of the PAMB, 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) System. In instances where such activities are to be undertaken, the proponents shall plan and carry them out in such manner as will minimize any adverse effects and take preventive and remedial action when appropriate. The proponents shall be liable for damage due to lack of caution of indiscretion.

The PAMB shall determine what activities for the essential use of the communities shall be allowed consistent with the management plan and based on biodiversity criteria and management zoning plan.

Areas under the management of other agencies of the government shall be integrated in the overall management plan of the PA.

SEC. 11. ***Local Government Units (LGUs)***. – The local government units (LGUs) within the PA shall be bound to follow the management plan and adopt it once approved. The LGUs shall not pass ordinances to amend the management plan nor shall the management plan be overturned by an ordinances.

Segregation of portions of the PA for LCU use, such as tourism and industrial estate, shall be assessed based on biodiversity criteria and consistent with the management plan of the PA.

Any development/project proposals of the LGU within the PA shall, prior to its implementation, be reviewed, evaluated and approved by the PAMB.

SEC. 12. ***Integrated protected Areas Fund (IPAF).*** – There is hereby established a trust fund to be known as the Integrated Protected Areas Fund (IPAF) for purposes of financing projects of the system. All incomes generated from the operation of the system or management of wild flora and fauna in the PA shall accrue to the fund. These income shall be derived from fees from permitted sale and export flora and fauna and other resources from the PA, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the PA; and such other fees and income derived from the operation of the PA.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: Provided, That the fund shall be deposited as a special account in the National treasury and 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 no amount shall be disbursed for the operating expenses of the Department and other concerned agencies.

All donations, grants, endowments shall be exempted from the donor's tax and all other taxes, charges and fees imposed by the government.

SEC. 13. ***Special Prosecutors***. – The Department of Justice (DOJ) shall designate special prosecutors to prosecute violations of laws, rules and regulations of the PA.

SEC. 14. ***Prohibited Acts***. – The following acts are prohibited within the PA:

(1) Cutting, gathering or collecting timber or other forest products without license. Any person who shall cut, gather, collect, remove timber or other forest products from any forest land within the PA without any authority under a license or permit, or possess timber or other forest products without the legal documents as required under existing forestry laws and regulations, shall be guilty of qualified theft as defined and punishable under Article 309 and 310 of the Revised Penal Code.

(2) Squatting. – Any person who with the use of force, intimidation or threat, or taking advantage of the absence or tolerance of the landowner/claimant, succeeds in occupying or possessing the property/claim of the latter, against his will for residential, commercial or any other purposes, shall be punished by imprisonment ranging from six (6) months to one (1) year or a fine of not less than One thousand pesos (P1,000.00) nor more than Five thousand pesos (P%,000.00) at the discretion of the court, with subsidiary imprisonment in case of insolvency.

If the offender is a corporation or association, the maximum penalty of five (5) years imprisonment and a fine of Five thousand pesos (P5,000.00) shall be imposed upon the president, director, manager or managing partners thereof.

(3) Unlawful occupation or destruction of forest lands within the PA. – Any person who enters and occupies or possesses or makes kaingin for his own private use or for others any land within the PA without any authority or permit from the PAMB

or in any manner destroys such land or part thereof or causes any damage to the timber stand and other forest products and forest growths found therein shall be punishable by the penalties provided for in Section 15 hereof.

(4) Except as may be allowed by the nature of their categories and pursuant to the rules and regulations governing the same, the following additional acts are prohibited within the PA and shall subject those found guilty by the penalties provided for in Section 15 hereof.

(a) Hunting, destroying, disturbing, or mere possession of any plant or animal or products derived therefrom without a permit from concerned authorities;
(b) Dumping of nay waste products detrimental to the PA, or to the plants and animals or inhabitants therein;
(c) Using any motorized equipment without a permit from the PAMB;
(d) Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities;
(e) Damaging and leaving roads and trails in a damaged condition;
(f) Mineral exploration and survey of energy resources;
(g) Constructing or maintaining any kind of structure, fence or enclosures, and conducting any business enterprise without a permit;
(h) Leaving in exposed or unsanitary conditions refuse or debris, or depositing such in the grounds or in bodies of water;
(i) Altering, removing, destroying or defacing boundary markers, monuments or interpretative signs, and
(j) Entry without a permit of the following:
    (1) Mountain climbers;
    (2) Campers;
    (3) Spelunkers;
    (4) Study/research groups/ individuals; and
    (5) Visitors.
    (e) Mining, sand and gravel quarrying/ extraction; and

(f) Buying, selling or transferring of rights over any land within the PA.

SEC. 15. ***Penalties***. – Whoever is found guilty of the acts prohibited under this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by competent court of justice of any of the offenses in the preceding section shall be penalized with a fine of not less than five thousand pesos (P5,000.00) nor 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 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 offender from the land and the forfeiture in favor of the government all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, or any construction or improvements 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 shall impose administrative fines and penalties it may deem fit and consistent with this Act.

SEC. 16. ***Appropriations*****.** – The Secretary of the DENR shall include in its program the implementation of this Act, the funding of which shall be charged against the IPAF constituted under this Act.

SEC. 17. ***Transitory Provisions****.* – All regular DENR and other personnel assigned/detailed with the Office of the Mt. Hamiguitan Range Wildlife Sanctuary of the DENR-Region XI prior to the approval of this Act will form part of the PA regular staff.

Portions of the PA which are within the jurisdiction of the Provincial Environment and Natural Resources Office (PENRO) and the Community Environment and Natural Resources Office (CENRO) in Davao, Oriental, as the case may be, shall be transferred to the administrative jurisdiction of the PA.

SEC. 18. ***Separability Clause*****. –** If any part or section of this Act is declared unconstitutional, such declaration shall not affect in any manner the other parts or section of this Act.

SEC. 19. ***Repealing Clause.*** **–** All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provision of this Act shall be deemed repealed or modified accordingly.

SEC. 20. ***Effectivity Clause.*** **–** This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,

(Sgd.)FRANKLIN DRILLON
President of Senate

(Sgd.)JOSE DE VENECIA JR.
Speaker of the
House of Representative

This Act originated in the House of Representatives was finally passed by the House of Representative and the Senate on September 3, 2002 and June 10, 2004 , respectively.

(Sgd.) OSCAR G. YABES
Secretary of the Senate

(Sgd.) ROBERT P. NAZARENO
Secretary General
House of Representative

Approved:

(Sgd.) GLORIA MACAPAGAL-ARROYO
President of the Philippines