

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

*13 JUL 23 A9:00

SENATE
S. No. 1044

RECEIVED BY: *fi*

Introduced by SENATOR PIA S. CAYETANO

EXPLANATORY NOTE

This bill seeks to declare the Agusan Marsh Wildlife Sanctuary in Agusan Del Sur as a protected area.

The Agusan Marsh Wildlife Sanctuary, with a total area of 40,868 hectares, is the biggest marsh land in the Philippines. A refuge of migrant birds from Northern Asia during winter season, the Agusan Marsh Wildlife Sanctuary also provides an abode for the threatened populations of crocodile species namely the Philippine crocodile and the Philippine Saltwater crocodile. Also found in the area are no less than 31 species of flowering plants, 127 species of birds, 41 species of reptiles, 10 species of mammals, 14 amphibians, 16 freshwater fish species belonging to 10 families and 65 species of butterflies, of which 3 are relatively rare. The Agusan River, which runs through the marsh, is the third longest river in the Philippines. The marsh is also called home by indigenous people, the Manobos, who live deep inside the marsh in floating houses.

Recognizing the value of the area, it was proclaimed as the Agusan Marsh Wildlife Sanctuary by virtue of Presidential Proclamation No. 913 on October 31, 1996.

This bill, therefore, seeks to declare the Agusan Marsh Wildlife Sanctuary as a protected area in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance.

Given the importance of biodiversity, it is deemed crucial that we act on this now to ensure that our children and the succeeding generations will inherit a living earth with all of its bountiful natural resources and vibrant wildlife.

In view of the foregoing, the passage of this measure is earnestly urged.

Pia S. Cayetano
PIA S. CAYETANO
Senator

SIXTEENTH CONGRESS OF THE
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Senate
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'13 JUL 23 19:00

SENATE

Senate Bill No. **1044** RECEIVED BY: *ju*

Introduced by Senator Pia S. Cayetano

AN ACT

DECLARING THE AGUSAN MARSH WITHIN THE MUNICIPALITIES OF TALACOGON, SAN FRANCISCO, ROSARIO, BUNAWAN, LORETO AND LAPAZ IN THE PROVINCE OF AGUSAN DEL SUR AS WILDLIFE SANCTUARY PURSUANT TO R.A. 7586 PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

1 **SECTION 1. Title.** – This Act shall be known as the “Agusan Marsh Wildlife
2 Sanctuary (AMWS) Act of 2013”.

3 **SEC. 2. Declaration of Policy.** – Cognizant of the unique biological resources and the
4 aesthetic, economic and ecological importance of AMWS, it is hereby declared the policy of
5 the State to protect and preserve its natural biodiversity and to promote the welfare of the
6 human communities therein, their culture and way of life insofar as they are in harmony with
7 nature. It shall further be the policy of the State to promote the AMWS, with the end view of
8 fostering widespread awareness and concern for the same. Towards this end, the State shall
9 carry out comprehensive and holistic promotions, and training and information campaign
10 programs for the benefit of the general public, in pursuance of the duty of the State to uphold
11 the primacy of protecting, preserving and promoting these resources.

12 Finally, it shall be the policy of the State to encourage the participation of the private
13 sector and the local government units in the protection, preservation and promotion of the
14 AMWS.

15 **SEC. 3. Definition of Terms.** – For purposes of this Act, the following terms are defined
16 as follows:

17 (a) “Ancestral Domains/Ancestral Lands” refer to all areas generally belonging to
18 indigenous cultural communities comprising lands, inland waters and natural resources
19 therein, held under a claim of ownership, occupied or possessed by indigenous cultural
20 communities, by themselves or through their ancestors, communally or individually since time
21 immemorial, continuously to the present except when interrupted by war, *force majeure* or
22 displacement by force, deceit, stealth or as a consequence of government projects or any
23 other voluntary dealings entered into by government and private individuals or corporations,
24 and which are necessary to ensure their economic, social and cultural welfare. It shall

1 include ancestral lands, forests, pasture, residential, agricultural and other lands individually
2 owned whether alienable and disposable or otherwise, hunting grounds, burial grounds,
3 worship areas, bodies of water, mineral and other natural resources, and lands which may no
4 longer be exclusively occupied by indigenous cultural communities but from which they
5 traditionally had access to for their subsistence and traditional activities, particularly the home
6 ranges of indigenous cultural communities who are still nomadic and/or shifting cultivators.

7 (b) "AMWS" refers to the Agusan Marsh Wildlife Sanctuary.

8 (c) "AMWS Fund" refers to the revolving fund to be established for the purpose of
9 financing projects in the AMWS.

10 (d) "Biodiversity" refers to the variety and variability among all living organisms and the
11 ecological complex in which they occur.

12 (e) "Biological Resources" include genetic resources, organisms or parts thereof,
13 population, or any other biotic component of ecosystems with actual or potential use or value
14 for humanity.

15 (f) "Bioprospecting" means the research, collection and utilization of biological and
16 genetic resources for purposes of applying the knowledge derived therefrom solely for
17 commercial purposes.

18 (g) "Buffer Zone" refers to the identified area outside the boundaries of and immediately
19 adjacent to designated AMWS that need special development control in order to avoid or
20 minimize harm to the AMWS.

21 (h) "By-products or Derivatives" mean any part taken or substance extracted from
22 wildlife, in raw or in processed form. These include stuffed animals and herbarium
23 specimens.

24 (i) "Collection or Collecting" refers to the act of gathering or harvesting wildlife, its by-
25 products or derivatives.

26 (j) "Conservation" means preservation and sustainable utilization of wildlife, and/or
27 maintenance, restoration and enhancement of the habitat.

28 (k) "Ecosystem" means the dynamic complex of plant, animal and micro-organism
29 communities and their non-living environment interacting as a functional unit.

30 (l) "Endangered Species" refer to species or subspecies of flora and fauna that is not
31 critically endangered but whose survival in the wild is unlikely if the causal factors continue
32 operating.

33 (m) "Endemic Species" refer to species or subspecies of flora and fauna which is
34 naturally occurring and found only within specific areas in the country.

35 (n) "Exotic Species" refer to species or subspecies of flora and fauna which do not
36 naturally occur within the protected area at present or in historical time.

1 (o) "Habitat" means a place or type of environment where a species or subspecies
2 naturally occurs or has naturally established its population.

3 (p) "Hunting" refers to collection of wild fauna for food and/or recreational purposes with
4 the use of weapons such as guns, bow and arrow, spear and the like.

5 (q) "Indigenous Cultural Communities or Indigenous People (ICCs/ IPs)" refer to a group
6 of people or homogenous societies identified by self-ascription and ascription by others, who
7 have continuously lived as organized community on communally bounded and defined
8 territory, and who have, under claims of ownership since time immemorial, occupied,
9 possessed and utilized such territories, sharing common bonds of language, customs,
10 traditions and other distinctive cultural traits, or who have, through resistance to political,
11 social and cultural inroads of colonization, non-indigenous religions and cultures, became
12 historically differentiated from the majority of Filipinos. IPs shall likewise include peoples who
13 are regarded as indigenous on account of their descent from the populations which inhabited
14 the Country, at the time of conquest or colonization, or at the time of inroads of non-
15 indigenous religions and cultures, or the establishment of present state boundaries, who
16 retain some or all of their own social, economic, cultural and political institutions, but who
17 may have been displaced from their traditional domains or who may have resettled outside
18 their ancestral domains.

19 (r) "Management Board" refers to the Management Board of the AMWS.

20 (s) "Management Plan" refers to the fundamental plan, strategy and/or scheme which
21 shall guide all activities relating to the AMWS in order to attain the objectives of this Act.

22 (t) "Mineral" refers to all naturally occurring inorganic substance in solid, gas, liquid, or
23 any intermediate state including energy materials such as coal, petroleum, natural gas,
24 radioactive materials, and geothermal energy.

25 (u) "Multiple- Use Zone" refers to an area where settlement, traditional and/or
26 sustainable land use, including agriculture, agro-forestry, extraction activities and other
27 income generating or livelihood activities, may be allowed to the extent prescribed in the
28 initial plan or management plan of AMWS..

29 (v) "National Integrated Protected Areas System" refers to the classification and
30 administration of all designated protected areas to maintain essential ecological processes
31 and life-support systems, to preserve genetic diversity, to ensure sustainable use of
32 resources found therein, and to maintain their natural conditions to the greatest extent
33 possible.

34 (w) "National Park" refers to the land of the public domain classified as such in the 1987
35 Philippine Constitution which include all areas under the National Integrated Protected Areas
36 System (NIPAS) pursuant to R.A. 7586 primarily designated for the conservation of native
37 plants and animals, their associated habitats and cultural diversity.

1 (x) "Non-Governmental Organizations (NGOs)" refer to an agency, institution, foundation
2 or a group of persons whose purpose is to assist peoples organizations/associations in
3 various ways including, but not limited to, organizing, education, training, research and/or
4 resource accessing.

5 (y) "People's Organizations (POs)" refer to a group organized migrant communities and/
6 or interested indigenous peoples which may be an association, cooperative, federation,
7 aggrupation of individuals or groups with an identifiable structure of decision-making and
8 accountability, established to undertake collective action to address community concerns and
9 needs in relation to the AMWS.

10 (z) "Protected Area" refers to the identified portions of land and/or water set aside by
11 reason of their unique physical and biological significance, managed to enhance biological
12 diversity and protected against destructive human exploitation.

13 (aa) "Protected Area Management Board" refers to a multi-sectoral policy-making body
14 for the AMWS created in accordance with RA 7586 or the NIPAS Act of 1992.

15 (bb) "Protected Area Superintendent (PASu)" refers to the chief operating DENR officer
16 of the AMWS.

17 (bb) "Quarrying" means the process of extracting, removing and disposing quarry
18 resources found on or underneath the surface of private or public land.

19 (cc) "Strict Protection Zone" refers to a natural area with high biodiversity value which
20 shall be closed to all human activity except for scientific studies and/or ceremonial or religious
21 use by the indigenous cultural communities/indigenous peoples; may include habitats of
22 threatened species, or degraded areas that have been designated for restoration and
23 subsequent protection, even if these areas are still in various stages of regeneration.

24 (dd) "Sustainable Use" means the use of components of biological diversity in a way and
25 rate that does not lead to the long-term decline of biological diversity, thereby maintaining its
26 potential to meet the needs and aspirations of present and future generations.

27 (ee) "Tenured Migrants" refer to forest occupants who have actually and continuously
28 occupied a portion of the AMWS and is solely dependent therein for subsistence. An AMWS
29 occupant is understood to be "solely dependent for subsistence" when everything
30 indispensable for survival for the household, including food, clothing, shelter and health,
31 comes only from the utilization of resources from the AMWS.

32 (ff) "Threatened Species" refers to a general term to denote species or subspecies of
33 flora and fauna considered as critically endangered, endangered, vulnerable or other
34 accepted categories of wildlife whose population is at risk of extinction.

35 (gg) "Wildlife" means wild forms and varieties of flora and fauna, in all developmental
36 stages, including those which are in captivity or are being bred or propagated.

37 (hh) "Wildlife Sanctuary" refers to an area which assures the natural conditions
38 necessary to protect nationally significant species, groups of species, biotic communities or

1 physical features of the environment where these may require specific human manipulation
2 for their perpetuation.

3 **SEC. 4. Scope and Coverage.** – The boundaries of AMWS located in the
4 Municipalities of Talacogon, San Francisco, Rosario, Bunawan, Loreto and Lapaz, all in the
5 Province of Agusan del Sur, shall be more particularly described as follows:

6	CORNER	LONGITUDE	LATITUDE
7	1	125° 49'04.79"	8° 23'42.52"
8	2	125° 48'12.00"	8° 25'04.99"
9	3	125° 47'45.61"	8° 25'27.43"
10	4	125° 46'53.11"	8° 25'26.43"
11	5	125° 46'05.20"	8° 25'00.65"
12	6	125° 44'49.47"	8° 24'26.12"
13	7	125° 45'43.53"	8° 28'35.42"
14	8	125° 46'23.31"	8° 28'24.47"
15	9	125° 46'35.47"	8° 27'47.25"
16	10	125° 47'14.00"	8° 26'14.00"
17	11	125° 48'16.02"	8° 26'04.35"
18	12	125° 48'35.62"	8° 25'20.29"
19	13	125° 52'15.30"	8° 27'07.15"
20	14	125° 52'12.24"	8° 27'30.98"
21	15	125° 54'03.83"	8° 28'38.32"
22	16	125° 48'12.00"	8° 29'04.84"
23	17	125° 54'56.89"	8° 29'00.92"
24	18	125° 55'32.73"	8° 28'18.88"
25	19	125° 55'42.83"	8° 26'46.73"
26	20	125° 56'25.83"	8° 26'49.89"
27	21	125° 56'45.39"	8° 25'42.12"
28	22	125° 55'52.45"	8° 24'59.17"
29	23	125° 55'06.62"	8° 24'26.48"
30	24	125° 54'44.48"	8° 23'45.67"
31	25	125° 54'49.22"	8° 23'37.35"
32	26	125° 56'56.36"	8° 22'58.64"
33	27	125° 57'40.79"	8° 22'04.75"
34	28	125° 57'16.33"	8° 21'28.91"
35	29	125° 56'36.83"	8° 21'19.18"
36	30	125° 56'58.78"	8° 20'35.91"
37	31	125° 58'33.34"	8° 16'13.41"
38	32	125° 56'13.01"	8° 14'44.96"

1	33	125° 55'27.53"	8° 13'52.44"
2	34	125° 55'22.90"	8° 12'55.75"
3	35	125° 55'25.98"	8° 12'18.40"
4	36	125° 54'59.50"	8° 12'11.61"
5	37	125° 55'05.08"	8° 12'01.15"
6	38	125° 55'06.25"	8° 11'35.18"
7	39	125° 56'42.60"	8° 09'45.79"
8	40	125° 55'17.88"	8° 09'41.73"
9	41	125° 55'20.34"	8° 08'55.13"
10	42	125° 56'51.60"	8° 08'50.51"
11	43	125° 57'08.70"	8° 08'43.18"
12	44	125° 56'07.40"	8° 08'12.90"
13	45	125° 55'40.71"	8° 08'09.85"
14	46	125° 54'53.29"	8° 08'36.84"
15	47	125° 55'02.79"	8° 08'49.79"
16	48	125° 54'59.01"	8° 09'09.17"
17	49	125° 54'46.68"	8° 09'11.63"
18	50	125° 54'45.83"	8° 08'59.76"
19	51	125° 54'34.49"	8° 08'33.42"
20	52	125° 54'26.59"	8° 08'10.15"
21	53	125° 54'14.53"	8° 07'52.51"
22	54	125° 54'26.17"	8° 07'46.37"
23	55	125° 54'22.61"	8° 07'32.20"
24	56	125° 54'18.04"	8° 07'26.21"
25	57	125° 52'50.11"	8° 07'20.68"
26	58	125° 53'10.52"	8° 07'31.73"
27	59	125° 53'20.71"	8° 07'46.84"
28	60	125° 53'11.80"	8° 08'09.03"
29	61	125° 53'18.25"	8° 08'48.88"
30	62	125° 53'22.14"	8° 09'29.74"
31	63	125° 53'34.51"	8° 09'30.33"
32	64	125° 53'34.10"	8° 09'49.88"
33	65	125° 53'39.04"	8° 10'14.43"
34	66	125° 53'41.65"	8° 10'28.27"
35	67	125° 53'34.33"	8° 10'54.15"
36	68	125° 52'52.16"	8° 10'27.71"
37	69	125° 52'32.21"	8° 10'31.70"
38	70	125° 52'22.57"	8° 10'38.02"

1	71	125° 52'09.78"	8° 11'12.20"
2	72	125° 52'22.84"	8° 11'12.06"
3	73	125° 52'16.37"	8° 11'16.37"
4	74	125° 52'04.64"	8° 11'36.52"
5	75	125° 52'03.40"	8° 12'03.88"
6	76	125° 52'06.67"	8° 12'14.26"
7	77	125° 51'47.48"	8° 12'46.53"
8	78	125° 51'17.87"	8° 12'56.01"
9	79	125° 51'20.56"	8° 15'00.30"
10	80	125° 51'04.98"	8° 15'03.84"
11	81	125° 50'32.40"	8° 15'45.76"
12	82	125° 50'18.71"	8° 16'11.78"
13	83	125° 50'19.09"	8° 16'37.70"
14	84	125° 51'14.98"	8° 16'59.06"
15	85	125° 52'17.17"	8° 17'29.35"
16	86	125° 52'56.66"	8° 17'38.54"
17	87	125° 53'53.33"	8° 18'05.11"
18	88	125° 53'52.01"	8° 18'46.58"
19	89	125° 53'20.80"	8° 19'14.36"
20	90	125° 52'38.47"	8° 19'13.76"
21	91	125° 51'29.53"	8° 18'17.95"
22	92	125° 50'55.06"	8° 17'52.19"
23	93	125° 49'54.07"	8° 17'58.93"
24	94	125° 49'40.42"	8° 18'07.45"
25	95	125° 49'37.33"	8° 19'13.68"
26	96	125° 48'30.19"	8° 20'26.87"

27 The AMWS shall cover a total area of Forty Thousand, Eight Hundred and Sixty-Eight
28 (40,868) hectares. The Department of Environment and Natural Resources - National
29 Mapping and Resource Information Authority (DENR-NAMRIA) shall validate the technical
30 descriptions provided in this Act through ground survey/demarcation and shall create
31 appropriate maps therefor. Any modification of the coverage of this Act to due to factors such
32 as changing ecological situations, new scientific or archaeological findings, or discovery of
33 traditional boundaries shall be made through an act of Congress, after full consultation with
34 the affected public and concerned government agencies.

35 Considering the character of AMWS as a catch basin, the Management Board and the
36 Department of Environment and Natural Resources shall implement appropriate programs
37 and measures outside the AMWS to prevent any adverse effects thereto such as, but not
38 limited to, wastes from industries and run-offs from all areas that feed into the AMWS.

1 SEC. 5.

2 **SEC. 6. Land Classification.** – All lands of the public domain comprising the AMWS
3 shall fall under the classification of National Park as provided for in the Philippine
4 Constitution.

5 **SEC. 7. Management of the Agusan Marsh Wildlife Sanctuary.** – There is hereby
6 created a Management Board which shall have jurisdiction, power and authority over the
7 AMWS for all matters that may affect biodiversity conservation, protection and sustainable
8 development. It shall be composed of:

9 (a) The Regional Executive Director (RED) of the DENR CARAGA-XIII as chairperson;

10 (b) The Governor of Agusan del Sur as Co-Chairperson;

11 (c) The Provincial Planning and Development Officer (PPDO) of Agusan del Sur;

12 (d) The Mayors of Municipalities of Talacogon, San Francisco, Rosario, Bunawan,
13 Loreto and Lapaz in the Province of Agusan del Sur, or their duly designated representatives;

14 (e) One (1) representative from each *barangay* covering the AMWS;

15 (f) One (1) representative from each department or national government agency directly
16 involved in the protected area or has long term projects or permanent facility located therein;

17 (g) One (1) representative from each tribal community in each of the municipalities
18 comprising the selected by and among themselves according to customary rights;

19 (h) At least three (3) representatives from the local NGOs with stakes in the AMWS
20 chosen from among themselves; and

21 (i) At least two (2) representatives from local POs with stakes in the AMWS chosen
22 among themselves; and

23 (j) One (1) representative from the academe involved in the AMWS.

24 Each member of the Management Board shall serve for a term of five (5) years and shall
25 be considered to represent his or her sector and deemed to carry the vote of such sector in
26 all matters. In the case of members who are government officials, their appointment shall be
27 co-terminus with their term of office.

28 The members of the Management Board shall be appointed by the Secretary of the
29 DENR in conformity with the provisions of the NIPAS Act. As a transitory provision, the initial
30 members of the Management Board shall be nominated from the current members of the
31 interim Management Board. *Provided*, That the members shall include a number of women.

32 In the selection of representatives from POs and NGOs preference shall be accorded to
33 those organizations that are involved in the conservation, protection and development of the
34 AMWS. Representation shall be by institution and shall aim to achieve in representation by
35 geographic location or areas. The representatives from the local government units (LGUs)
36 and national agencies in the Management Board shall include among their duties, the
37 appraisal of their respective constituents, office or sector of the Management Board
38 approved or other relevant policies, rules, regulations, programs and projects and ensuring

1 that the provisions of this Act, the NIPAS Act and its Implementing Rules and Regulations
2 are observed, complied with, and used as reference and framework in their respective plans,
3 policies, programs and projects. Failure to comply with the foregoing shall subject such
4 representative to disciplinary action as the Management Board may provide.

5 The members of the Board shall not receive any salary but shall be entitled to
6 reimbursements for actual and necessary expenses incurred, either in their attendance in
7 meetings of the Board or in connection with other official business authorized by a resolution
8 of the Board, subject to existing rules and regulations.

9 *SEC. 7. Powers and Functions of the Management Board.* – The Management Board
10 shall have the following powers and functions in addition to those provided under RA 7586 or
11 the NIPAS Act of 1992 and its Implementing Rules and Regulations:

12 (a) Issue rules and regulations to prohibit acts that may be prejudicial to the AMWS and
13 to the declaration of policy set forth under the NIPAS;

14 (b) Issue rules and regulations for the resolution of conflicts through appropriate and
15 effective means;

16 (c) Adopt rules and procedures in the conduct of business, including the creation of
17 committees to which its powers may be delegated;

18 (d) Approve the management plan of the AMWS and oversee the Office of PASu;

19 (e) Establish criteria and set fees for the issuance of permits for the activities regulated
20 by this Act, or the management plan;

21 (f) Recommend the deputization of appropriate individuals for the enforcement of the
22 laws, rules and regulations governing the conduct or management of the AMWS;

23 (g) Approve fees and charges in accordance with existing policies and raise funds for
24 the AMWS;

25 (h) Report to the DENR, on a quarterly basis, the status of the implementation of this
26 Act, with emphasis on the disbursement of funds appropriated for the execution of the various
27 policies and programs hereunder, and on the status of cases for the prosecution of the
28 violations of this Act;

29 (i) Formulate programs for the promotion, training and information dissemination
30 pertaining to the AMWS and its significance as a vital natural resource of the country;

31 (j) Manage the allocation of the AMWS Fund, and other funds for the AMWS, ensure
32 their proper administration and render accounting; and

33 (k) Recommend appropriate policy reforms to the DENR and other government
34 authorities.

35 (l) Identify, verify and review all tenure instrument, land claims and issuance of permits
36 for resource use within the AMWS.

37 The DENR, through the Regional Executive Director (RED), shall ensure that the
38 Management Board acts within the scope of its powers and functions. In case of conflict

1 between administrative orders issued by the DENR pursuant to the NIPAS Act and the
2 resolutions issued by the Management Board, such conflict shall be referred by Management
3 Board to the DENR Secretary who shall decide whether to apply the rule or withdraw its
4 application from the AMWS.

5 **SEC. 8. Protected Area Superintendent (PASu) Office.** – The PASu Office is hereby
6 created within the DENR Regional Office to be headed by the PASu who shall serve as the
7 chief operating DENR officer of the entire AMWS. The PASu shall report directly to the RED
8 of the DENR-Region CARAGA XIII and shall be accountable to the Management Board. The
9 PASu and the PASu staff shall reside within the AMWS and establish an office and sub-
10 offices within the AMWS in order to implement this Act.

11 The PASu shall have full responsibility for the protection of land, water, wildlife and
12 other natural physical and biological resources within the AMWS. As such, the PASu shall
13 have the following duties and responsibilities in addition to those provided under the existing
14 laws and regulations:

15 (a) Establish, operate and maintain a database management system as decision
16 support tool;

17 (b) Initiate the preparation of the management plans as herein defined;

18 (c) Provide a secretariat for the Management Board and supply the Management Board
19 with all the information necessary to make appropriate decisions for the implementation of
20 this Act;

21 (d) Enforce the laws, rules and regulations relevant to the AMWS, institute and file legal
22 action independently or in collaboration with other government agencies or organizations and
23 assist in the prosecution of offenses committed in violation of this Act;

24 (e) Monitor all activities within the AMWS to ensure its conformity with the management
25 plan;

26 (f) Implement the promotion, training and information campaign programs as formulated
27 by the Management Board;

28 (g) Report to the Management Board, on a quarterly basis, the status of the
29 implementation of the various programs under this Act, such as, but not limited to, the
30 database management system, the Management Plan of the AMWS, and the enforcement of
31 the laws, rules and regulation relevant to the AMWS and the prosecution of the violations
32 thereof;

33 (h) Recommend the issuance of permits based on terms, conditions and criteria
34 established by the Management Board; and

35 (i) Perform such other functions as the Management Board may assign.

36 The PASu shall be supported by sufficient number of personnel who shall be performing
37 day to day management, protection and administration of the AMWS. Upon the

1 recommendation of the Management Board, the DENR Regional Executive Director shall
2 deputize local community leaders and environment and natural resource officers.

3 SEC. 9. *Agusan Marsh Wildlife Sanctaury (AMWS) Fund.* – There is hereby established
4 a revolving fund to be known as the AMWS Fund for purposes of financing projects of the
5 AMWS.

6 Income shall be derived from visitor/tourist fees, fees from permitted sale and export of
7 flora and fauna and other resources from the AMWS, proceeds from registration and lease of
8 multiple-use areas, including tourism concessions, contributions from industries and facilities
9 directly benefiting the Sanctuary; and such other fees and income derived from the operation
10 of the Sanctuary. *Provided,* That the seventy-five (75%) percent shall be set aside and
11 retained by the Management Board which shall appropriate the same exclusively for the
12 management and operation of the AMWS. *Provided, further,* that the remaining twenty-five
13 (25%) shall be remitted to the Integrated Protected Areas Fund (IPAF).

14 The AMWS Fund may be augmented by grants, donations, endowment from various
15 sources, domestic or foreign, for purposes related to their functions: *Provided,* That
16 disbursements therefrom shall be made solely for the protection, maintenance, administration
17 and management of the system, and duly approved projects endorsed by the Management
18 Board in accordance with existing accounting and budgeting rules and regulations:
19 *Provided, further,* That the Fund shall not be used to cover personal services expenditures.

20 The LGUs shall continue to impose and collect all other fees not enumerated herein
21 which they have traditionally collected, such as business permits, and rentals of LGUs'
22 facilities. *Provided,* that the LGUs shall not impose property tax and issue tax declaration for
23 areas or properties located in Timberland areas or areas previously classified as National
24 Parks. *Provided,* That such add-ons shall be determined based on the contribution of the
25 LGUs in the maintenance and protection of the AMWS.

26 SEC. 10. *Indigenous People's Rights.* – Ancestral domain and other customary
27 rights and interests of indigenous communities within the AMWS shall be accorded due
28 recognition. The preservation of ancestral domain and customary rights shall be considered
29 as one of the management objectives. The maintenance, management and development of
30 ancestral domains which are found to be necessary for protected areas will be pursuant to
31 Section 58 of Republic Act No. 8371, otherwise known as the "The Indigenous Peoples
32 Rights Act of 1997 (IPRA)".

33 The identification, delineation and recognition of ancestral domain claims within the
34 AMWS shall be conducted by the National Commission on Indigenous Peoples (NCIP)

1 pursuant to its provisions, the IPRA, and its implementing rules and regulations, in
2 coordination with the Management Board.

3 SEC. 11. *Renewable and Non-Renewable Resources.* – Any exploitation of or utilization
4 of nonrenewable resources within the AMWS shall not be allowed. Renewable Energy
5 projects within the AMWS shall be allowed only through an act of Congress except energy
6 from wind, sun, and water sources and not more than one (1) megawatt capacity for mini-
7 hydro power: *Provided*, that these renewable energy projects are established outside the
8 strict protection zone, adopt reduced impact technologies, and undergo the Environmental
9 Impact Assessment (EIA) system as provided by law and: *Provided, Further*, that the
10 Management Board endorsement has been obtained.

11 SEC. 12. *Tenured Migrants and Other AMWS Occupants*– Tenured migrants shall be
12 eligible to become stewards of portions of lands within allowable zones.

13 The Management Board shall identify, verify and review all tenurial instruments, land
14 claims and issuances of permits for resource use within the AMWS and recommend the
15 issuance of the appropriate tenurial instrument consistent with the zoning provided in the
16 management plan and its successor plans.

17 Should areas occupied by tenured migrants be designated as zones in which no
18 occupation or other activities are allowed pursuant to the attainment of sustainable
19 development, provision for their transfer of said tenured migrants to multiple use zones or
20 buffer zones shall be accomplished through just and humane means.

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

24 Other AMWS occupants who do not qualify as tenured migrants shall be resettled
25 outside the AMWS as determined by the Management Board. The Management Board shall
26 determine, plan and implement a definite schedule for resettling them outside of the AMWS
27 following the procedures set forth by existing law.

28 SEC. 13. *Existing Facilities Within the Agusan Marsh Wildlife Sanctuary.* – Within sixty
29 (60) days from the effectivity of this Act, existing facilities such as roads, buildings, water
30 systems, transmission lines, communication facilities, heavy equipments, and irrigation
31 facilities existing within the boundaries of the AMWS shall submit project description to the
32 Management Board through the PASu.

33 The Management Board, with the assistance of the DENR, shall determine whether the
34 existence of such facility and its future plan and operations will be detrimental to the AMWS
35 or whether conditions for its operation shall be imposed. If any such conditions are violated,
36 the owner of the facility shall be liable to pay a fine of Five thousand pesos (P5,000.00) for
37 every violation. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00),
38 the Management Board through the PASu and deputizing other government entities, shall

1 cause the cessation and demolition of the facility at the cost of its owner.

2 Existing facilities allowed to remain within the AMWS may be charged a reasonable
3 royalty by the Management Board. All income from such royalty shall accrue to the AMWS
4 Fund.

5 SEC. 14. *Prohibited Acts and Penalties.* – The following shall be the prohibitions and
6 penalties applicable to the AMWS, in addition to the prohibited acts as provided in the NIPAS
7 Act and its pertinent rules and regulations:

8 (a) The penalties in Articles 309 and 310 of the Revised Penal Code, depending on the
9 value of the resources involved in connection with the prohibited act and/or a fine at least
10 triple the value of the said resources, shall be imposed upon any person who:

11 (1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic plants,
12 animals, flora or fauna, sand, rocks or by- products derived therefrom, within particularly
13 identified regulated or prohibited areas zones in the AMWS including private lands, without
14 the necessary permit, authorization or exemption. *Provided*, that hunting of animals shall be
15 absolutely prohibited except for scientific research and/ or traditions of hunting by the IPs/
16 ICCs;

17 (2) Cuts, gathers, removes or collects timber or any forest products, within particularly
18 identified regulated or prohibited areas or zones in the AMWS including private lands, without
19 the necessary permit, authorization or exemption;

20 (3) Possesses or transports, within or outside the AMWS any timber, forest products,
21 wild terrestrial or aquatic plants, animals, or by- product derived therefrom which is
22 ascertained to have been taken from the AMWS;

23 (4) Undertakes mineral exploration or extraction within the AMWS;

24 (5) Engages in quarrying of sand, gravel, guano, limestone or any material within the
25 AMWS; or

26 (6) Hunts, collects, removes or destroys any endangered or protected species, except
27 when collection or removal is for scientific research and exempted from the prohibition by the
28 Management Board;

29 (7) Conducts bioprospecting within the AMWS without the necessary permit; or

30 (8) Establishes or introduces any exotic species, within the AMWS, which are
31 detrimental to endemic species and the ecosystem therein.

32 (b) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five hundred
33 thousand pesos (P500,000.00) and/or imprisonment from one (1) year but not more than six
34 (6) years shall be imposed upon any person who:

35 (1) Violates any rules and regulations in the management plan or by the Management
36 Board or agreements reached before the Management Board in the exercise of adjudicative
37 functions;

1 (2) Erects any structure on land or on water for any purposes outside the management
2 plan, duly allowed by the Management Board: *Provided*, That large-scale private
3 infrastructure and other projects such as medium to high density residential subdivisions,
4 medium to large commercial and industrial establishments, golf-courses, heavily mechanized
5 commercial and non-traditional farming, and other activities that cause increased in-
6 migration, pollution and resource degradation are absolutely prohibited;

7 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within the without
8 an AMWS permit;

9 (4) Throws, dumps or causes to be dumped into the AMWS any non-biodegradable
10 material or waste whether liquid, solid or gas;

11 (5) Uses, dumps, places or causes to be placed into the AMWS toxic chemicals,
12 including pesticides and other hazardous substances, unless the same is expressly allowed
13 in the management plan;

14 (6) Prospects, hunts or otherwise locate hidden treasures within the AMWS;

15 (7) Informally occupies or dwells in any land within the AMWS without clearance from
16 the Management Board;

17 (8) Possesses or uses blasting caps or explosives anywhere within the AMWS;

18 (9) Destroys, excavates, vandalizes or, in any manner, damages any natural formation
19 on land, religious, spiritual, historical sites, artifacts and other objects of natural or scenic
20 value;

21 (10) Alters, removes, or destroys any boundary markers; or

22 (11) Engages in kaingin, or, in any manner, causing forest fires inside the AMWS.

23 Valuation of the damage for this Act shall take into account biodiversity and
24 conservation considerations as well as aesthetic and scenic value. Valuation assessed by the
25 DENR or the concerned government agency shall be presumed correct unless otherwise
26 proven by preponderant evidence.

27 Any person who shall induce another or conspire to commit any of the illegal acts
28 prohibited in this Act or suffer their workers to commit any of the same shall be liable in the
29 same manner as the one actually performing the act.

30 All conveyances, vessels, equipments, paraphernalia, implements, gears, tools and
31 similar devices shall be subject to immediate and administrative confiscation, independent of
32 the judicial proceedings by the PASu Office upon apprehension, subject however to due
33 process and substantial evidence requirements. When legal action is however filed in the
34 regular courts, the said conveyances, vessels, equipments, paraphernalia, implements,
35 gears, tools and similar devices, independent of the administrative proceedings, shall not be
36 released until after judgment has been rendered. Proceeds of the sale of all objects
37 administratively or judicially confiscated pursuant hereto shall accrue to the AMWS Fund.
38 Procedure for the sale thereof shall be promulgated by the Management Board. However, in

1 no case shall any confiscated or rescued protected animal species be sold or in any manner
2 disposed of but shall be immediately turned over to the PASu Office for release in its natural
3 habitat, subject to existing regulations. However, in no case shall any confiscated or rescued
4 protected animal species be sold or in any manner disposed of but shall be immediately
5 turned over to the PASU Office for release in its natural habitat, subject to existing
6 regulations.

7 The penalties specified in this Section will be in addition to the penalties contained in RA
8 9072 (National Caves and Cave Resources Management and Protection Act), RA 9147
9 (Wildlife Resources Conservation and Protection Act), and other related laws.

10 Conviction for any offense under this Act, of a public officer or officer of the law shall
11 carry the accessory penalty of perpetual disqualification from public office.

12 SEC. 15. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days from the
13 effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to
14 whom all cases of violation of laws, rules and regulations in the AMWS shall be assigned.
15 Such Special Prosecutor shall coordinate with the Management Board and the PASu in the
16 performance of his/her duties and assist in the training of wardens and rangers in arrest and
17 criminal procedures. The Management Board may retain the services of counsel to
18 prosecute and/or assist in the prosecution of cases under the direct control and supervision
19 of the regular or special prosecutor and to defend the members of the Management Board,
20 the PASu and the staff, or any person assisting in the protection, conservation and
21 sustainable development of the AMWS, against any legal action related to their powers,
22 functions and responsibilities as provided in this Act or as delegated or tasked by the
23 Management Board.

24 SEC. 16 . *Transitory Provision-* In order to ensure the recovery and restoration of
25 biological diversity and to develop sustainable livelihood opportunities for tenured migrants,
26 the DENR shall henceforth cease to issue concessions, licenses, permits, clearances,
27 compliance documents or any other instrument that allows exploitation and utilization of
28 resources within the AMWS until the management plan shall have been put into effect.

29 All existing land use and resource use permits within the AMWS shall be reviewed and
30 shall not be renewed upon their expiration unless consistent with the management plan and
31 approved by the Management Board.

32 SEC. 17. *Reporting Responsibility.* – The PASu, through the Management Board, shall
33 submit an annual accomplishment report to the Secretary of the DENR on the activities
34 undertaken in the AMWS.

35 SEC. 18. *Appropriations.* – The Secretary shall immediately include in the DENR's
36 program the implementation of this Act, the funding of which shall be included in the annual
37 General Appropriations Act.

38 SEC. 19. *Construction and Suppletory Application of Existing Laws.* The provisions of

1 this Act shall be construed liberally in favor of achieving biodiversity conservation, protection
2 and sustainable development Provisions of Republic Act No. 7586, otherwise known as the
3 National Integrated Protected Areas Management Act of 1992 and existing forestry laws, and
4 their corresponding rules and regulations not inconsistent hereto shall have the suppletory
5 effect in the implementation of this Act.

6 SEC. 20. *Repealing Clause.* –All laws, decrees, proclamations, rules and regulations
7 inconsistent with this Act are hereby repealed or modified accordingly.

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

11 SEC. 22. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete
12 publication in the *Official Gazette* or in a national newspaper of general circulation available
13 in the AMWS.

14 Approved,