



FEB 12 2010

DENR ADMINISTRATIVE ORDER
NO. 2010 - 03

SUBJECT : IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9237 OR "THE MOUNT APO PROTECTED AREA (MAPA) ACT OF 2003"

Pursuant to Section 28 of RA No. 9237, otherwise known as the MAPA Act of 2003, this Administrative Order setting forth the rules and regulations governing the implementation of the Act is hereby promulgated.

SECTION 1. Basic Policy – Considering the Mt. Apo's aesthetic, economic, cultural and ecological importance and its unique biological resources, it is hereby declared the policy of the State to secure its protected and conservation and those of the indigenous peoples and communities residing therein as well as their culture and way of life. In so doing, the State shall: (a) ensure the protection and conservation of biodiversity in Mt. Apo through sustainable and participatory development; (b) advance, respect, and protect the customs and interests of its legitimate inhabitants, migrants, and indigenous peoples alike; and (c) foster partnership among government, non-government organizations, and peoples organizations. Such mandate shall be pursued in accordance with RA No. 7586 or the NIPAS Act of 1992, RA No. 8371 or the Indigenous People's Rights Act (IPRA) of 1997 and other related laws and international convention to which the Philippines is a signatory.

The protection, conservation, and development of Mt. Apo as a protected area shall be considered as a priority thrust of the State and shall be integrated in the short and long-term development plans of the DENR, the concerned national agencies, LGUs and other institutions and the provision of appropriate resources for its management.

SECTION 2. Objectives – The purpose of this Order is to provide the processes by which the Department of Environment and Natural Resources (DENR) through the Mt. Apo Natural Park Management Board (MANPMB), the concerned Local Government Units (LGUs), Indigenous Cultural Communities/Indigenous Peoples (ICC/IPs), Non-Government Organizations (NGOs), and other concerned institutions and agencies shall follow in administering and managing the MANP and its adjoining buffer zones.

SECTION 3. Definition of Terms – Under this Order, the following terms shall be defined as follows:

- (a) **Ancestral Domain/Ancestral Lands** – refer to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), subject to properly or prior rights within the ancestral domains already existing and vested upon the effectivity of Republic Act No. 8371 or the Indigenous People's Rights Act (IPRA) of 1997, comprising lands, inland waters, and natural resources therein held under a claim of ownership, occupied or possessed by ICCs / IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the



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present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;

- (b) **Biodiversity** - refers to the variety and variability among all living organisms and the ecological complex in which they occur;
- (c) **Buffer Zones** - refer to areas outside the MANP but immediately adjoining it that are established by the Act which need special development and control to provide an extra layer of protection around MANP where restrictions may apply as well as provide a strong social fence to prevent further encroachment into MANP;
- (d) **By-products** - refer to any part taken from wild species such as hides, antlers, feathers, fur, teeth, claws, internal organs, eggs, roots, trunk, branches, leaves, stems, flowers, bark, including their derivatives such as blood, oils, resins, gum, seed, spores, pollen, honey, beeswax, and the like;
- (e) **Carrying capacity** - refers to the maximum population of a particular organism that a given environment can support without detrimental effects;
- (f) **Collection or collecting** - refers to the act of gathering or harvesting wild flora and fauna species and its by-products or derivatives;
- (g) **Commercial facilities** - refer to the conduct of business by natural or juridical persons with the purpose of securing an economic or resource surplus not needed for immediate subsistence;
- (h) **Community Resource Management Plan (CRMP)** - refers to the plan of holder of the Protected Area Community Based Resource Management Agreement (PACBRMA) on how to manage and benefit from the resources in the Community Based Program area on a sustainable basis;
- (i) **Conservation** - refers to the optimum utilization and management of natural resources in order to meet the needs and aspirations of the present and the future;
- (j) **Ecosystem** - refers to the community of plants and animals, their physical environment, and the interactions between them;
- (k) **Environmental Impact Assessment** - refers to the process of identifying, predicting and evaluating the changes or impacts as a consequence of operational procedures, projects, programs, policies and legislative. It interprets and communicates the information about those impacts and proposes measures for their management;
- (l) **Exotic species** - refers to species or subspecies which do not naturally occur within the country or within the biogeographic region of the Philippines in which the protected area is situated;



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- (m) **Fish/aquatic animals/products** - refer to fishes and other aquatic animals such as crustaceans, echinoderms, marine animals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form;
- (n) **Fishing** - refers to the taking of the fish, aquatic products or any aquatic flora and fauna from their wild habitat, with or without the use of fishing vessels;
- (o) **Forest products** - refer to timber, pulpwood, firewood, bark, tree top, resin, gum, wood, lumber, oil, honey, beeswax, nipa, rattan, or other forest growth such as grass, shrub, and flowering plant, the associated water, fish, game, scenic, historical, recreational, and geologic resources in forest lands;
- (p) **Indigenous Cultural Communities** - refer to the ICCs/IPs as defined in the IPRA. Specifically in the Mt. Apo Natural Park, the ICCs/IPs are known to be composed of the Bagobo and its sub-tribes namely the Ubo, Jangan, and Tagabawa or Bawa who reside within or who are substantially dependent upon the resources of Mt. Apo NP;
- (q) **Legitimate private rights** - refer to vested prior rights acquired in accordance with existing laws without taint of deceit, stealth, fraud or bad faith;
- (r) **Management Plan** - refers to the fundamental plan, strategy, and/or scheme which shall guide all activities relating to the Mt. Apo Natural Park in order to attain the objectives of this Act as stated in Section 2 hereof;
- (s) **Multiple Use Zone** - refers to areas within the MANP where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, other resource extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the Management Plan. It shall also include, among others, areas of high recreational tourism, educational or environmental awareness values and areas consisting of existing installations of national significance/interest such as development of renewable energy sources, telecommunication facilities and electric power lines.
- (t) **National Integrated Protected Areas System (NIPAS)** - refers to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein and to maintain their natural conditions to the greatest extent possible;
- (u) **Natural Park** - refers to a relatively large area not materially altered by human activity, where extractive resource uses are not allowed, and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational, and recreational use;
- (v) **Non-government organizations** - refer to non-stock, nonprofit organizations with qualifications and expertise, and engaged in activities concerning community organizing and development or resource and environmental conservation, management and protection of the protected area.
- (w) **Non-Renewable Resources** - refer to those resources found within the MANP that cannot be re-made, re-grown or regenerated on a scale comparative to its consumption;



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- (x) **People's organization** - refers to a group of people, which may be an association, cooperative, federation, or aggrupation of individuals or groups, with an identifiable structure of decision making and accountability, established to undertake collective action to address community concerns and needs in relation to the protected area.
- (y) **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;
- (z) **Protected Species** - refer to any plant or animal declared protected under Philippine laws. These shall include all species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and all its Annexes, the Bonn Convention on Migratory Species, those specified under the Red List Category of the International Union for Conservation of Nature and Natural Resources (IUCN), or any plant or animal which the MANP Management Board may deem necessary for conservation and preservation in the Park;
- (aa) **Protected Area Community Based Resource Management Agreement (PACBRMA)** - refers to an agreement entered into by and between the DENR and the organized tenured migrant communities or interested indigenous peoples in protected areas and buffer zones which has a term of twenty-five (25) years and renewable for another twenty-five (25) years;
- (bb) **Stakeholders** - refer to individuals, communities, organizations or aggrupation of specific interests or sectors which have particular interest in the achievement of the objective of RA 9237 or dependence, access, or utilization of resources within the protected area such as but not limited to the local government units, people's organizations, non-government organizations, indigenous cultural communities, the DENR, and other concerned government agencies;
- (cc) **Strict Protection Zone** - refers to natural areas within the MANP which have high biodiversity value and closed to all human activities except for scientific studies and/or ceremonial or religious use by indigenous cultural communities/indigenous peoples; may include habitats of threatened species or degraded areas which have been designated for restoration and subsequent protection, even if these areas are still at various stages of regeneration;
- (dd) **Sustainability or sustainable** - refers to the use of components of biological diversity in a way and at a rate that does not lead to the decline in the species used, thereby maintaining its potential to meet the needs and aspirations of the present and future Filipino generations;
- (ee) **Tenured Migrant** - refers to individuals and households who have actually and continuously occupied public lands which are not alienable and disposable within the MANP before June 1, 1987 and are substantially dependent therein for their livelihood; and
- (ff) **Timber** - refers to wood having an average diameter of at least fifteen (15) centimeters and a length of at least one and a half (1.5) meter in its unaltered state, or wood regardless of size, sawn or hewn on two or more sides usually referred to as flitch including mangrove.



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SECTION 4. Scope and Coverage - This Order shall apply to the management and administration of the areas covering the MANP which is located in the Municipalities of Magpet and Makilala and City of Kidapawan in the Province of Cotabato; Municipalities of Bansalan and Sta. Cruz and City of Digos in the Province of Davao del Sur, and in the City of Davao.

The MANP contains an area of FIFTY FOUR THOUSAND, NINE HUNDRED AND SEVENTY FOUR AND 47/100 (54,974.47) hectares based on the actual ground survey and demarcation as shown in the attached Annex "A".

The boundaries of MANP as described above shall be demarcated on the ground with permanent and visible markers and concrete monuments by the DENR. The area comprising the MANP shall be classified as National Park pursuant to the 1987 Philippine Constitution.

The parcel of land containing SEVEN HUNDRED ONE (701) hectares declared as a Geothermal Reservation under the jurisdiction, control, and administration of the Philippine National Oil Company (PNOC), by virtue of its prior vested rights under Proclamation No. 853 of January 30, 1992 in conjunction with Executive Order No. 223 is hereby excluded from the MANP. Provided, that in line with the environmental and watershed management program of the PNOC, the Company shall assist the MANP Management Board and the DENR in the protection and management of the Park in the form of direct assistance in reforestation and other preservation activities that may be identified. Provided, further, that the PNOC Geothermal Reservation shall automatically revert to and form part of the MANP upon cessation of the operations of PNOC in the excluded area.

Provided finally, that the plans and activities of the PNOC related to support facilities, back-up or new transmission lines, stabilizing and power-enhancing substations, and other auxiliary support facilities which are vital to the environmental sustainability and energy security of Mindanao, shall be implemented within the designated buffer zones of MANP subject to the approval of the MANP Management Board and by the Department of Energy, National Commission on Indigenous People (NCIP), the concerned Local Government Units (LGUs) and Department of Environment and Natural Resources (DENR).

SECTION 5. Demarcation of Buffer Zones - The Buffer Zones of the MANP are established through the Act and pursuant to Section 8 of the NIPAS Act to serve as additional peripheral layer of protection by providing regulated benefits and livelihood opportunities to the local communities to build a strong social fence to the protected area.

The boundary of the buffer zones shall be demarcated on the ground by the DENR which is described as follows:

BUFFER ZONE, PARCEL 1

A parcel of land containing an area of TWO THOUSAND, FIVE HUNDRED AND THIRTY-SIX (2,536) hectares, more or less, as shown in Annex "A".

BUFFER ZONE, PARCEL 2

A parcel of land containing an area of SIX THOUSAND FIVE HUNDRED FORTY-TWO (6,542) hectares, more or less, as shown in Annex "A".

A portion of land immediately adjacent to the PNOC Reservation Area outside the MANP and within the boundary of Buffer Zone Parcel 2 as described hereof shall be allocated as an energy support zone for the sustenance of the existing geothermal installation to ensure the



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power security in the Region. The boundary limits of the energy support zone shall be subject to ground delineation by the MANP Management Board and said energy support zone shall be made part of the land use zoning of the Park and its buffer zones: *Provided*, that other land uses compatible with geothermal energy shall be allowed within the energy support zone: *Provided*, *further*, that permits for geothermal activities within the energy support zone shall be secured pursuant to relevant forestry and environmental regulations: *Provided*, *however*, that the geothermal exploration within the energy support zone for the purpose of increasing the power capacity of the existing project shall only be allowed through a law passed by Congress: *Provided*, *finally*, that areas within the energy support zone which shall not be used directly for the development and utilization of geothermal energy shall remain under the control and jurisdiction of the MANP Management Board.

The management strategy for the buffer zone shall be an integral part of the Management Plan of MANP. It shall be developed by the MANP Management Board together with concerned communities and other stakeholders following the procedures set hereof. It shall likewise be consistent with the management objectives of MANP and shall be an essential component of the MANP Management Plan.

The MANP Management Board shall exercise management authority over the buffer zone in behalf of the DENR. It shall initiate and ensure participatory management in the buffer zone together with the LGUs, other government agencies, NGOs, POs, the PNOC and other concerned stakeholders.

SECTION 6. Management of MANP - The following considerations and strategies shall be observed in the management of MANP:

- 6.1 The MANP Management Plan shall be prepared within one (1) year from the issuance of this Order by the Office of the Protected Area Superintendent in coordination with the local government units, indigenous peoples, people's organizations, non-government organizations, the National Commission on Indigenous Peoples, other appropriate offices of the DENR, and other government agencies. The preparation of the management plan of MANP shall follow the flow chart in Annex "B".
- 6.2 In the preparation of the Management Plan, the Ancestral Domain Sustainable Development Protection Plan (ADSDPP), Ancestral Domain Management Plan (ADMP), Comprehensive Land Use Plans (CLUP) and other short or long term plans of the Local Government Units shall be considered. It shall contain among others, the following:
 - a. Period of applicability of the Management Plan preferably at least fifteen (15) years;
 - b. Key management issues;
 - c. Goals and objectives of management in support of Section 2 hereof;
 - d. Site management strategy;
 - e. Major management activities such as, but not limited to, enforcement of laws, biodiversity conservation, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, and fire and pest control;



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- f. Establishment and delineation of zones and the regulated and/or prohibited activities therein, such as, but not limited to, multiple use zones, buffer zones, recreation zones, strict protection zones and other special use zones which can provide effective management of the MANP and promote sustainable development of all legitimate stakeholders. To avoid relocation, primary consideration shall be accorded to the traditional zones used which have been proven sustainable and in consonance with the biodiversity and protection of the natural characteristics of the MANP; and
- g. Visitor management programs which will include interpretation, monitoring of visitors and emergency responses will be developed by the MANP Management Board and the Regional Ecotourism Committees (RECs) of Region 11 & 12 in consultation with the local stakeholders. Contents of the said management program are incorporated in the outline of the Management Plan as shown in Annex "C".
- h. Financial Sustainability

The management plan should include fund sources. This component should also include processes by which the PAMB can market the management plan to ensure that funding donors or partners may come in to implement component of the management plan.

6.3 The preparation of the Management Plan shall also consider the different management zones in MANP, its objectives, establishment and categories, as follows:

1. Management Zone Objectives - Management zones shall be established within the MANP to allow flexibility in the management of the area. The zoning shall determine and implement site-specific management interventions that cater the needs of biodiversity conservation while addressing social, economic and cultural concerns of the communities and ICCs/IPs including the concerns on income generations for the sustainable financing of the Park. As such, zoning shall also take into account the tenurial and livelihood concerns of local communities and ICCs/IPs to ensure the efficient protection of habitats, fragile ecosystems and unique areas.
2. Establishment of Management Zones - The establishment and management of zones shall involve the participation of the concerned communities through dialogues, consultations and land and resource-use mapping with the aid of Geographic Information System (GIS) and other latest information technologies. Zones shall be demarcated on the ground and indicated on the map with the participation of local communities, local government units and other concerned stakeholders, using as much as possible, natural markers such as rivers, creeks, ridges and the like.

To provide flexibility in management, MANP and its buffer zones shall be divided into one or more management zones. Cultural communities, tenured migrants, other existing resource users and the local government shall be part of the decision making process in zone establishment and management planning. Management objectives, prescriptions 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 MANP and its buffer zones and management prescription within those zones shall not restrict the rights of ICCs/IPs to pursue traditional and sustainable means of livelihood within their ancestral domain. The MANP Management Board shall develop and approve guidelines on the different land and other resource uses at the identified management zones of MANP.

The establishment of the different zones shall take into account the following, among others:

- a. Land Use
- b. Vegetative Cover
- c. Slope
- d. Elevation
- e. Existing infrastructure (roads, bridges, transmission lines, dams, etc.)
- f. Hazard
- g. Drainage and river system
- h. Soil
- i. Biodiversity indicators based on primary data
- j. Wildlife habitat
- k. Settlement, livelihood and tenure claims
- l. Management issues and others

3. Management Zones Categories - The following shall be the different management zones that may be applied for MANP:

- a. Strict Protection Zone
- b. Multiple Use Zone

6.4 Methodologies such as stakeholders' analysis, perception survey, participatory resources assessment, and community mapping, among others, should be incorporated into the planning process not only to generate the optimum community inputs into the Management Plan but also to promote its ownership by the local communities.

6.5 Prior to the submission to the Secretary, the Management Plan shall be presented to the stakeholders through public consultations. At least one (1) consultative meeting shall be organized in every city and/or municipality covering the MANP, providing at least thirty (30) days' notice to the public prior to such consultation. The issues and concerns raised during the public consultations shall be addressed in the Management Plan. The documentary evidence of the public consultations shall be submitted to the Secretary through the Protected Areas and Wildlife Bureau (PAWB) by the Regional Executive Director and shall form part of the annexes of the Management Plan.

6.6 The Management Plan shall be reviewed and approved by the majority of the members of the MANP Management Board and endorsed to the Secretary through PAWB for affirmation.

6.7 The Management Plan shall be translated into an annual work program and supporting budget by the MANP staff under the direction of the MANP Superintendent following the Government's budgetary cycle. The work program and budget shall be approved by the majority of members of the MANP



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Management Board and shall be incorporated in the annual work and financial plan of the DENR. Funding for the implementation of other activities may be sourced out from other institutions and agencies.

The Office of MANP Superintendent in coordination with the LGUs, NGOs, POs, IPs and other concerned institutions shall be directly responsible for the implementation of the Management Plan under the supervision and guidance of the Management Board and the DENR through the Regional Executive Director of Region XI. The implementation of activities other than those provided in the Management Plan such as enforcement, logistical support and assistance should be in coordination with the DENR field offices.

- 6.8 The Management Plan shall be presented to LGUs having territorial jurisdiction over the MANP, local communities and other stakeholders for the purpose of soliciting their endorsement and support on its implementation. The Management Plan shall be incorporated in the Municipal/City development plan of every locality to provide for a parallel development efforts between MANP Management Board and the Local Governments. The LGU representatives to the MANP Management Board shall ensure that local ordinances and programs affecting MANP are consistent with RA 9237 and the Management Plan as herein provided.
- 6.9 The MANP Management Plan shall cover a period of fifteen (15) years subject to review every five (5) years by the MANP Management Board. The outline of the Management Plan is shown in Annex "C".

Two (2) years before the expiration of the Management Plan, there shall be a successor plan to be prepared and submitted by the Office of the MANP Superintendent in the same manner as the procedure and principles herein set forth and in accordance with the General Management Planning Strategy as provided in the NIPAS Act. In the same period, the Office of the MANP Superintendent shall cause the publication of notices for comments and suggestions on the proposed Management Plan in a newspaper of local circulation, official website of the DENR Regional Office and in any other forms of communications and the actual posting of such notices in conspicuous places within the local government units in the MANP. The Management Plan shall be made available for public perusal in all agencies, offices, and organizations duly represented in the MANP Management Board.

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

SECTION 7. The MANP Management Board. There shall be a Protected Area Management Board for the MANP to be created and shall be known as the MANP Management Board. The Management Board shall be fully accountable for any action or any untoward incidence within the protected area. The MANP Management Board shall serve as the highest policy-making body of the MANP. It shall be composed of the following:

- a) The Regional Executive Director (RED) of DENR Region XI who shall sit as Chairperson of the MANP Management Board;
- b) The RED of DENR Region XII or his/her duly designated permanent representative;



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- c) The Provincial Governors of North Cotabato and Davao del Sur or their authorized permanent representatives;
- d) The Planning and Development Officers of Davao City and the Provinces of Cotabato and Davao del Sur or their respective authorized permanent representative;
- e) The Municipal/City Mayors of Magpet, Makilala, Kidapawan, Bansalan, Sta. Cruz, Digos and Davao City or their respective authorized permanent representative;
- f) All Barangay Chairpersons within the Mt. Apo Natural Park;
- g) Three (3) representatives from the ICCs/IPs composed of one (1) representative from each of the three (3) sub-tribes (Jangan, Ubo and Tagabawa) in Mt. Apo subject to increase upon determination of the existence of other sub-tribes based on an ethnographic study to be conducted by an independent institution or academe and validated by the National Commission for Indigenous Peoples (NCIP);
- h) A maximum of eight (8) representatives from people's organizations (POs) and non-government organizations (NGOs);
- i) Representatives from national government agencies operating within the MANP which can potentially contribute to its management such as the Philippine National Oil Company (PNOC), National Commission on Indigenous People (NCIP) XI and XII, Department of Tourism (DOT) XI and XII, Department of Agriculture (DA) XI and XII, Department of Education (DepEd) XI and XII, Department of Health (DOH) XI and XII, Department of Energy (DOE), and National Irrigation Administration (NIA).
- j) Other stakeholders who can potentially assist and contribute in the protection, preservation, and conservation of the MANP such as CADT Holders and Water Districts

In the selection of representatives from people's and non-government organizations, the following criteria shall be primarily considered:

- a) active involvement in the ecological conservation, preservation, rehabilitation and protection of MANP;
- b) great potential in community organizing and other development works;
- c) favorable track record in community work; and
- d) duly accredited by the local government unit concerned and recognize or acknowledge by the DENR.

For the representatives of LGUs other than the Provincial Governors, City/Municipal Mayors and Barangay Captains, their authorized representatives shall be recommended by the local chief executives duly supported by Resolutions of their respective Sanggunian while City/Municipal Planning and Development Officers shall be endorsed by their respective local chief executives.



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For the representatives of ICCs/IPs, the selection shall be done through their customary laws, customs and traditions and duly endorsed by their Council of Elders.

Other representatives like the NGOs and POs shall be endorsed by their respective Boards while Other Government Agencies by their respective heads of agencies/offices.

SECTION 8. Term of Office of the Members of MANP Management Board. Every member of the Management 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. The said expenses will be charged against the regular budget of the DENR Regional Office and/or can be drawn from the Mt. Apo Protected Area Fund. *Provided*, that he/she remains a member or employee of the sector or office he/she is representing. *Provided further*, that whenever a vacancy occurs, the new member shall be appointed in the same manner as the original appointment in order to complete the unfinished term of the said vacancy. The Interim Management Board organized pursuant to R.A. No. 7586 or the NIPAS Act of 1992 shall continue to discharge its powers and functions until such time that a regular Management Board shall be organized pursuant to the Act and upon approval and effectivity of this Order.

In case of elective officials, the term of office as Management Board member shall be co-terminus with his/her position unless the Sanggunian Bayan and/or Barangay declares the continuity of the representation made by the previous elected official thru a Sanggunian Resolution. The Sanggunian Bayan and/or Barangay may withdraw anytime the representation of their representative to the Management Board and replace by another who will serve only for the remaining term of office of the previous member. Such continuity of representation of elective official(s) shall be communicated officially to the MANP Management Board through the Regional Executive Director after which the Management Board may decide by a majority of vote.

SECTION 9. Powers and Functions of the MANP Management Board. The MANP Management Board, being the highest policy-making body, shall have the following powers and functions:

- (a) Decide and approve matters relating to proposals, work and action plans, guidelines and policies and other activities for the management of the protected area;
- (b) Review, approve and adopt the management plans and development programs and their respective implementing rules and regulations;
- (c) Approve the establishment and delineation of zones;
- (d) Establish supplemental criteria and guidelines for user fees for activities regulated by the Act or the Management Plan subject to the approval of the DENR Secretary pursuant to Section 10(f) of the NIPAS Act;
- (e) Ensure the effective implementation of development activities within the MANP;
- (f) Adopt rules and procedures in the conduct of business, roles, and responsibilities, and discipline of the members of MANP Management Board including the creation of standing committees as may be necessary;



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- (g) Evaluate the performance and activities of the Office of the MANP Superintendent;
- (h) Accept donations, approve proposals for funding and budget allocation and exercise accountability over all funds that may accrue to the Integrated Protected Area Fund (IPAF) of MANP;
- (i) Evaluate, recommend and monitor compliance to all existing requirements set by the DENR particularly in the issuance of the Environmental Compliance Certificate;
- (j) Recognize the rights and privileges of indigenous communities under the provisions of the Act and other applicable laws. In case there are conflicting claims, IP members of the Management Board shall settle the said conflict among themselves;
- (k) Request assistance from any government agency and instrumentality including civil society and private sector/person to achieve the objectives of the Act;
- (l) Monitor and evaluate the performance of MANP personnel, NGOs, and the local communities in biodiversity conservation and socio-cultural and economic development and report its assessment to the DENR;
- (m) Participate in the selection and designation/appointment of MANP Superintendent;
- (n) Apprise their respective constituents, office, and sector on activities and programs for the protected area; and
- (o) Ensure consistency in the implementation of all activities of the MANP in their area of jurisdiction;

The DENR through the Regional Executive Director of DENR Region XI shall ensure that the MANP Management Board acts within the scope of its powers and functions. In case of conflict between administrative orders issued by the DENR pursuant to the NIPAS Act and other laws and resolutions issued by the MANP Management Board, the DENR Secretary shall decide whether to apply the rule or withdraw its application.

The MANP Management Board may create a Sub-MANP Management Board if necessary in the exercise of its mandate as part of its management plan and development strategy by promulgating a resolution defining the specific function and delegation of authority to the Sub-MANP Management Board subject to the affirmation by the Secretary.

SECTION 10. The Executive Committee of the MANP Management Board. There shall be an Executive Committee within the MANP Management Board to which the latter may delegate some of its powers and functions. The Management Board En-banc may assign to the ExeCom preliminary review of all the documents referred to them prior to its approval.

SECTION 11. The Office of the MANP Superintendent. There shall be a MANP Superintendent's Office created within the DENR headed by the MANP Superintendent. He/she shall serve as the chief operating officer of the MANP and perform the following powers and functions:

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- (1) Enforce rules and regulations to protect the area from trespassing, damage, vandalism and illegal occupancy. In cases of seizure, he/she shall assume custody of the apprehended items.

The disposition of confiscated items shall be subject to the clearance from the MANP Management Board except those items that are held under custodia legis, those that are the subject of donation, those that must be deposited with appropriate government agency, and those that will be utilized for the DENR's own needs in accordance with the existing related rules and regulations;
- (2) Issue permits for the use of facilities and amenities except for those considered as special uses;
- (3) Issue area clearance for the protected area;
- (4) Issue certification whether the proposed activity/project is allowable or not within the management zones;
- (5) Issue cutting permit for planted trees for a volume of up to five (5) cubic meters per applicant per year for traditional and subsistence uses by ICCs/IPs and tenured migrants only. Provided, that PACBRMA holders with affirmed Community Resource Management Plan (CRMP) shall no longer be issued cutting permits. Provided further, that the total volume of extraction does not exceed the limit set by the MANP Management Board and the location of extraction is within the appropriate site within the multiple use zone;
- (6) Assist in the preparation of the Community Resource Management Plan;
- (7) Issue Certificate of Origin and/or transport permits for natural resources and other products collected/gathered from the protected area in accordance with the resource use instruments/agreements or gratuitous permits issued by the MANP Management Board and/or the DENR;
- (8) Submit periodic progress reports regularly to the MANP Management Board;
- (9) Serve as Head Secretariat to the MANP Management Board and its Executive Committee;
- (10) Collect and/or receive pertinent fees, charges, donations and other income for the protected area. Provided that, such fees, charges, donations and other income collected/received shall be reported regularly to the MANP Management Board in accordance with the existing guidelines;
- (11) Prepare and recommend to the MANP Management Board approval of the annual work and financial plans of the protected area based on the Management Plan and ensure annual increases in income to be generated within the MANP;
- (12) Develop management information system to ensure that relevant and updated information are available for planning, monitoring and decision-making;
- (13) Establish a productive partnership with the local community, including groups, in the planning, protection, and management of the MANP;
- (14) Ensure the performance and good morale of his staff;



- (15) Develop and implement an information, education and visitor program for MANP;
- (16) Develop and implement a natural history documentation program and to oversee research that may be conducted within the MANP;
- (17) Integrate the roles of NGOs and DENR staff in the operation of MANP;
- (18) Document the processes involved in the establishment and management of the MANP with particular reference to the development of relationships with cultural communities, tenured migrants, buffer zone residents and others for its effective protection;
- (19) Assist the NCIP in the identification, delineation and recognition of the claims of ICCs/IPs to their ancestral domain/ancestral land within MANP following the provisions of RA 8371 or the Indigenous Peoples Rights Act (IPRA); and
- (20) Perform such other powers and duties as may from time to time be prescribed by higher authorities.

The Office of the MANP Superintendent shall be supported by personnel who shall be performing day-to-day operation of the MANP.

All DENR employees detailed within the MANP at the time of the effectivity of the Act shall be accorded preference to form part of the MANP Superintendent's Office.

SECTION 12. Ancestral Lands and Domain. The rights of ICCs/IPs to their ancestral domains shall be fully recognized subject to Section 56 of the IPRA. Traditional property regimes exercised by ICCs/IPs in accordance with their customary laws shall govern the relationships of all individuals within their communities with respect to all lands and resources found within ancestral lands.

ICCs/IPs may apply for Certificates of Ancestral Domain Title (CADT) as provided in the IPRA. The provisions of the Act and this Order shall be construed liberally in favor of the ICCs/IPs in accordance with the conservation and preservation objectives of the MANP and its resources.

Nothing herein shall be construed to impair or diminish prior or existing rights currently enjoyed by the ICCs/IPs as provided by existing laws. Permits, licenses or authorities required by the Act or any other statutes concerning the continued use, extraction or exploitation of forest products and/or possession or occupation of land within the MANP shall not be unnecessarily withheld from the ICCs/IPs by the granting authority.

Ancestral lands/domain claims shall be identified by the ICCs/IPs through their respective Council of Elders/Leaders whose members are identified by them through customary processes. The metes and bounds of ancestral lands/domains shall be established through traditionally recognized physical landmarks such as burial grounds, mountain ridges, hills, rivers, creeks, rock formations and the like in coordination with the NCIP, LGUs, and MANP Management Board, and the DENR. Provided, however, that the same rights of the tenured migrants' claims as determined by the Management Board that co-exist with them in the area shall also be accorded and respected.



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The MANP Management Board, in coordination with the NCIP, local government units and other groups shall undertake the evaluation of ancestral domain claim. The proof of such claims shall include the following evidences:

- a. Testimony of the community elders who participated in the identification of physical boundaries and who took part in giving the oral historical accounts;
- b. Written accounts of ICC's/IP's customs and traditions;
- c. Written accounts of ICC's/IP's political structure and institutions;
- d. Pictures showing long term occupation such as those old improvements, burial grounds, sacred places and old villages;
- e. Historical accounts, including facts and agreements concerning boundaries entered by the ICC's/IP's concerned with other ICC's/IP's;
- f. Survey plans and sketch maps;
- g. Anthropological data;
- h. Genealogical surveys;
- i. Pictures and descriptive histories of traditional communal forests and hunting grounds;
- j. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, ridges, hills, terraces and the lake;
- k. Write-ups of names and places derived from the native dialect of the community.

Following the evaluation, the MANP Management Board, NCIP, concerned LGUs and other institutions that may be involved in determining the Ancestral Domain/Land claims together with the concerned ICCs/IPs shall determine the actual area that may be covered with Ancestral Domain and/or Ancestral Land claims, which ever appropriate and applicable based on the gathered proof of claims.

The MANP Management Board in coordination with the NCIP, concerned LGUs and other agencies shall take appropriate action to address land-claim related disputes particularly between the ICCs/IPs and the tenured migrants over the MANP in order for the two parties to harmoniously co-exist within the area. Should conflicts remain unsolved, applicable provisions of IPRA shall apply.

The reconciled result of the multi-agencies evaluation together with the ICCs/IPs' rights over the ancestral land/domain claim, with the same due accord and considerations to the tenured migrant's claims, shall be considered prior to the delineation and demarcation of the Ancestral Domain/Land within the MANP. When the identified ancestral domain/land claim is accepted and conflicts of claims are resolved, the proponent ICCs/IPs shall then file a petition for delineation with the NCIP to officially delineate the boundaries and issue Certificates of their ancestral domain/land.

Members of ICCs/IPs may avail of other forms of land tenure if they are interested and qualified.



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SECTION 13. Tenured Migrants. Tenured migrants are those members of households that have actually and continuously occupied the MANP since 01 June 1987 and are substantially dependent on the MANP for their livelihood.

- 13.1 To be considered as tenured migrants, all of the following qualifications shall be satisfied:
- a. Actually occupying, continuously cultivating and/or developing his/her claimed portion of the MANP, and/or residing within the MANP;
 - b. Substantially dependent for subsistence over the portions of MANP where he/she derives subsistence. Further, this would mean that the occupancy of a person in the MANP is the primary source of subsistence and survival.
- 13.2 Tenured migrants shall be eligible to become stewards of portions of land within the multiple use and buffer zones of MANP for their livelihood. Land tenure may be granted to tenured residents, whether indigenous cultural community members or migrants;
- 13.3 Physical structures in the area indicating prolonged occupancy or Certification under oath from the Barangay Chairperson or any two (2) respected members of the nearest community attesting to the occupancy and any two or more of the following shall be considered as proofs of occupancy:
- a. Planted trees;
 - b. Inventory report of forest occupants of concerned government agencies, if available; and
 - c. Other relevant documents to prove occupancy.
- 13.4 The MANP Management Board shall identify, verify, and subject to Section 56 of the IPRA, review all tenure instruments, land claims, and issuance of permits for resource use within the protected area.
- 13.5 The MANP Management Board shall adopt a tenurial instrument for tenured migrant communities occupying the multiple use zone that is community-based, promote clustering and comply with the zoning and Management Plan as herein provided. The land tenure instrument may be the Protected Area Community-Based Resource Management Agreement (PACBRMA) and shall be issued to organized people's organizations that attain legal personality with tenured migrant members.
- 13.5.1 The PACBRMA shall have a duration of twenty-five (25) years and renewable for another 25 years. The MANP Management Board may also recommend for the issuance of other appropriate tenure instruments consistent with the land classification, proper and allowed use of resources found therein, and zoning provided in the management or successor plans. Provided, that the MANP Management Board may adopt tenurial instrument for individual qualified tenured migrants based on existing guidelines in accordance with the NIPAS Act.



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13.5.2 Peoples organization and/or interested ICCs/IPs may apply for PACBRMA by filing an application with the Office of the MANP Superintendent. The following requirements shall be submitted to the MANP Superintendent:

People's Organization:

- a. Accomplished application form;
- b. Certificate of Registration of the PO;
- c. List of Officers;
- d. List of Members, including address and complete name of spouse, if any, and certified by MANP Management Board as qualified tenured migrants;
- e. Board of Directors/Trustees resolution allowing/ endorsing their organization to file/join the community-based tenurial instrument. PO resolution authorizing the head of the PO to apply application;
- f. Municipality/City and Barangay resolutions endorsing and allowing their subject community organization to engage and join in the community-based tenurial agreement made, and
- g. No previous violation of laws, rules and regulations. The DENR shall issue certification of good standing.

Interested Indigenous People/Indigenous Cultural Communities:

- a. Accomplished application form;
- b. Certification from the NCIP as recognized indigenous people staying in the MANP;
- c. List of Council of Elders or other similar indigenous governing body in the MANP;
- d. List of all the IPs/ICCs members;
- e. Proof of consent from the Council of Elders or other similar indigenous governing body of their interest to apply for a community-based tenurial instrument, and
- f. No previous violation of laws, rule and regulations. The DENR shall issue certification of good standing

13.5.3 The MANP Superintendent, within thirty (30) working days upon receipt of the application form and other requirements shall evaluate the application of the POs/IPs and reflect the proposed area to the community-based projects map of MANP and endorse it to the Management Board. The MANP Management Board within thirty (30) working days upon receipt of the documents, shall convene and discuss with the concerned



POs/IPs the terms and conditions of the agreement. The Management Board may also include other conditions to ensure proper use, protection, conservation and development of the area applied by the POs/IPs. The MANP Management Board may delegate to any of its Special Committee the review, approval and to come out with recommendations to the MANP Management Board En Banc all matters relating to the PACBRMA.

The MANP Management Board shall endorse the application for land tenure instrument of the POs/IPs to the concerned DENR Regional Executive Director who shall approve PACBRMAs with areas not exceeding 15,000 has. The DENR Secretary shall approve PACBRMAs covering more than 15,000 has. The flow chart is attached as Annex "D".

- 13.6 Tenure instruments can only be transferred through hereditary succession to spouse or direct descendants residing in the area. Provided, that the transferee shall comply with the terms and conditions contained in the original agreement which shall remain valid for the remaining unexpired term.
- 13.7 In case the tenured migrants occupy area designated as zones with no occupations or no other activities allowed, they should be transferred to the multiple use zones or buffer zones subject to existing laws, rules and regulations.
- 13.8 The holder of the PACBRMA shall prepare a Community Resource Management Plan within one (1) year from the issuance of Agreement with the assistance of the MANP Superintendent and other concerned institutions to provide basis on how the PO/IP shall manage its area. It shall include among others, land use and other resource guidelines, allocation of land and other resources among the members of the PO and other details. The CRMP shall be consistent with the Management Plan of MANP and the rules and regulations issued by the MANP Management Board and other relevant policies issued by the DENR. The CRMP shall be endorsed by the MANP Management Board to the Regional Executive Director for approval. The proponent/holder of the PACBRMA may seek the support of the concerned LGUs on the implementation of its CRMP. Failure to implement the CRMP shall serve as basis for the cancellation of the agreement. The flow chart on the preparation of CRMP is shown in Annex "E".
- 13.9 In the event of cancellation or termination of a tenure instrument by voluntary surrender of rights, the MANP Superintendent shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the tenured migrant. Provided, however, if the cancellation is by cause, corresponding penalty or fines shall be accorded to the permittee.

For cancellation of tenure instruments for reasons of public interest as determined by the DENR Secretary, the affected tenured migrants shall be accorded just compensation based on the fair market value of the improvements and shall be granted the right to a substitute site.

SECTION 14. Existing Rights - All prior and private rights within the MANP and its ~~buffer~~ zones and the ancestral domains already existing and/or vested upon before the effectivity of the Act and this Order shall be protected and respected in accordance with existing laws.

SECTION 15. Special Prosecutors. Pursuant to the Act, the Department of Justice shall designate a special prosecutor to whom all cases of violation of laws, rules and regulations



in the MANP shall be assigned. Such special prosecutor shall coordinate with the MANP Management Board and the MANP Superintendent in the performance of his/her duties and assist in the training of the MANP staff in arrest and criminal procedures.

SECTION 16. Prohibited Acts and Penalties. The following shall be the prohibitions and penalties applicable within the MANP:

16.1 The penalties and qualifications prescribed in Articles 309, on Theft, and 310, on Qualified Theft, of the Revised Penal Code depending on the value of the resources involved in connection with the prohibited act shall be imposed upon any person who:

- (1) Hunts, takes, destroys, disturbs or possesses any timber, forest product, natural growing or wild terrestrial or aquatic plants, animals, flora or fauna or products derived therefrom, or any form of extraction or use of resources within particularly identified regulated or prohibited areas or zones in the MANP including private lands, without the necessary permit, authorization or exemption, as issued or promulgated by the MANP Management Board;
- (2) Cuts, gathers, removes or collects timber or any forest products within particularly identified prohibited areas or zones in the MANP including private lands, without the necessary permit, authorization or exemption, as issued or promulgated by the MANP Management Board;
- (3) Cuts, destroys any tree or shrubs or other erosion-preventing plants, or builds or introduces any structure that would cause erosion in riparian areas mentioned in Section 16 of Presidential Decree No. 705, as amended, or the Revised Forestry Reform Code of the Philippines;
- (4) Possesses outside the MANP any timber, forest products, wild terrestrial or aquatic plants, animals, flora or fauna so prohibited by the MANP Management Board or products derived therefrom which is ascertained to have been taken from the MANP. It shall be presumed to have been taken from the protected area if the subject plant, animal, is found in possession or control of persons who traveled to the MANP within seventy-two (72) hours before the time of their arrest; and
- (5) Hunts, collects, removes, or destroys endangered or protected species, except when collection or removal is for scientific research and is so exempted from this prohibition by the MANP Management Board.

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

- (1) Occupies, settles, or possesses any portion of the MANP, introduces improvements, agricultural or otherwise, or performs *kaingin* therein not sanctioned by law or without the proper permit and authority as required by the MANP Management Board;



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- (2) Sells, buys, or offers to sell or buy any real property or rights within particularly identified regulated areas or zones in the MANP;
- (3) Occupies or possesses any portion of lands within the MANP by using force, intimidation, threat, deceit or by taking advantage of the absence or tolerance of the rightful possessor, occupant, or claimant;
- (4) Uses explosives, noxious substances, or electricity for fishing within the MANP. The possession of explosives, noxious or poisonous substances, electro-fishing devices and paraphernalia, or fish caught through explosives, noxious or poisonous substances or electricity within and nearby fishing areas or fishing boats shall constitute *prima facie* evidence that the possessor thereof committed the act herein prohibited;
- (5) Destroys, damages, mutilates, defaces, or commits any act of vandalism on any object of natural beauty, object of anthropological or cultural importance, or non-renewable resource within the MANP;
- (6) Throws, discharges, or dumps within the protected zone any substance that is deleterious or potentially deleterious to the ecosystem or of the plants, animals or inhabitants in the protected and buffer areas, or committing same activities within the buffer zone without appropriate permit or authority;
- (7) Alters, removes, destroys or defaces any boundary markers, monuments, or interpretative signs relating to the MANP;
- (8) Causes damage to road, trails and pathways;
- (9) Engages in any degree or form location/exploration, quarrying or extraction of mineral; and
- (10) Obstructs or hinders the enforcement of this Act, its related laws, rules, and regulations.

16.3 A fine ranging from Five thousand pesos (P5,000.00) to One hundred thousand pesos (P100,000.00), or imprisonment ranging from one (1) year to six (6) years, or both, at the discretion of the court, shall be imposed upon any person who:

- (1) Violates any rules and regulations promulgated by the MANP Management Board or its duly authorized delegate or any agreement or commitment reached before the MANP Management Board;
- (2) Deals any product illegally derived from the MANP, such as, but not limited to, selling, buying, offering to sell or buy any timber, forest product, natural growing or wild terrestrial or aquatic plants, animals, flora or fauna or products derived therefrom or any resource from within particularly identified regulated or prohibited areas or zones in the MANP without the necessary permit, authorization or exemption for the utilization, and/or extraction thereof as provided by this Act and other existing laws, rules and regulations;
- (3) Uses any equipment which facilitates extraction of resources, regardless of such intention or purpose within the MANP without the necessary permit or authorization;



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- (4) Leaves debris, refuse, or garbage in exposed or unsanitary condition anywhere within the MANP;
- (5) Enters any portion of the MANP for purposes of mountain climbing, camping, spelunking, study, research or recreational visit without the necessary permit or authorization.

Administrative procedures for the investigation and validation of the violation shall be prepared by the MANP Management Board in coordination with the appropriate bureaus of the DENR.

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

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

SECTION 17. Administrative Confiscation and Fine. Administrative proceedings for violation of the foregoing prohibited acts shall proceed independently and without prejudice to judicial action. The MANP Management Board through the MANP Superintendent is hereby empowered to impose an administrative fine ranging from Five thousand pesos (Php 5,000.00) to One Hundred fifty thousand pesos (Php 150,000.00) and/or the cancellation of permit or license issued. The decisions of the MANP Superintendent may be appealed within thirty (30) days from receipt of the decision of the MANP Management Board Executive Committee and to the DENR Secretary within a period of sixty (60) days from the receipt of the decision.

All conveyances, vessels, equipment, paraphernalia, implements, gear, tools, and similar devices shall be subject to immediate administrative confiscation by the MANP Superintendent's Office upon apprehension without prejudice to criminal action. Once the proper criminal action is filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices shall be in *custodia legis* but shall continue to be subject to administrative confiscation and may only be released by the trial court to the owner pending trial upon consultation with the MANP Superintendent and with proper consideration of the pending administrative proceedings and the potential forfeiture of the said objects.

Administrative fines collected and the proceeds of the sale of all objects administratively or judicially confiscated or forfeited pursuant hereto shall accrue to the MANP Fund. The procedure for the sale thereof shall be promulgated by the MANP Management Board.

SECTION 18. Special Counsel. The MANP Management Board may retain the services of a competent lawyer to prosecute or assist in the prosecution of cases or defend the members of the Management Board, the MANP Superintendent and staff or any person assisting in the protection, conservation, and sustainable development of the MANP against any legal action related to their powers, functions and responsibilities as provided in the Act or as delegated or tasked by the Management Board.



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SECTION 19. Mount Apo Protected Area Fund - The Mt. Apo Protected Area Fund (MAPAF) as established under the RA 9237 shall finance projects of MANP. All income generated from the operation and management of MANP shall accrue to the Fund. These income shall be derived from visitor/tourist fees, fees from permitted sale and export of flora and fauna and other resources from the MANP, proceeds from registration and lease of multiple-use areas including tourism concessions, contributions from industries and facilities directly benefiting from the MANP, and such other fees, fines and other income derived from the operation of the protected area.

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 disbursement therefrom shall be made solely for the protection, maintenance, administration, and management of the System, and duly approved projects endorsed by the MANP Management Board in accordance with existing accounting and budgeting rules and regulations.

SECTION 20. Existing Facilities within the MANP - Existing facilities within the MANP shall be inventoried and assessed by the MANP Management Board in accordance with the objectives of the Act. Within thirty (30) days from the effectivity of this management plan ~~Order~~, unless extended by the MANP Management Board, all commercial facilities existing within the MANP with a total capitalization exceeding One hundred thousand pesos (P100,000.00) shall submit to the Management Board through the MANP Superintendent the following information:

- (a) Environmental Impact Assessment and/or Environmental Management Plan;
- (b) Environmental Compliance Certificate, if any; and
- (c) Developmental Plan, if any.

Failure to submit the required information shall constitute a violation of this Order. Based on its submission, the MANP Management Board, with the assistance of the DENR shall assess such facility and its future plan and operation vis-à-vis the objectives of this Order. The MANP Management Board may prescribe conditions for the operation of the facility to ensure that it does not contradict the management objectives of MANP. If any of such conditions are violated, a fine of Five Thousand pesos (P5,000.00) for every day of violation shall be imposed. If the fine reaches the total amount of Five Hundred Thousand pesos (P500,000.00) regardless of duration, the MANP Management Board, through the MANP Superintendent and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owners.

The removal of existing facilities which provide basic services and amenities to the public shall require the concurrence of the concerned Local Government Unit consistent with the responsibility of the local government to its constituents.

Existing facilities allowed to remain within the MANP may be charged a reasonable fee, subject to DENR approval pursuant to Section 10(f) of the NIPAS Act by the Management Board based on the extent of its impacts on the environment and biodiversity.

SECTION 21. Utilization of Non-renewable Resources - Any exploration, exploitation or utilization of non-renewable resources within the MANP shall not be allowed.



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SECTION 22. Environmental Impact Assessment System - Proposed projects and activities within the MANP shall be subject to an EIS System before they are adopted, and results thereof shall be taken into consideration in the decision making process. No actual implementation of such activities shall be allowed without the required ECC under the Philippine Environmental Impact Assessment System and its Implementing Rules and Regulations. In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such a manner as to minimize any adverse effects and take preventive and remedial actions when appropriate and shall only be implemented upon approval of the Management Board.

SECTION 23. Partnership among Government, Non-government Organization and People's Organizations - All government agencies, non-government organizations, peoples' organizations and their personnel shall continuously foster and develop a strong and true partnership.

All non-government organizations, people's organizations and private entities implementing any MANP conservation, protection and development program must be accredited by the local government units and the DENR.

SECTION 24. Roles of Local Government Units and National Agencies in the MANP - Local government units and relevant national agencies shall be represented in the PAMB and shall have the following roles:

- a. Apprise their respective constituents, office, and sector on activities and programs for the MANP;
- b. Ensure consistency in the implementation of all activities in the MANP;
- c. Retain their ordinance-making powers over the MANP and consider the Management Plan and the rules and regulations adopted by the MANP Management Board in their legislative agenda relating to biodiversity conservation and protection and sustainable development;
- d. In the formulation of their development plan, local government units shall consider the MANP Management Plan as part of their comprehensive land use plan;
- e. Assist the MANP Management Board in the implementation of the over-all park programs, including but not limited to the imposition, collection and utilization of fees, enforcement of policies, rules and regulations and other similar park activities;
- f. Accredite people's organizations, non-government organizations and other entities and groups involved in activities within the MANP; and
- g. Provide the MANP Management Board with relevant information and data for the effective management of the MANP.

SECTION 25. Public Service Utilities and Projects - All existing and future development projects of public service utilities involving water services, communication facilities, power and energy generation, public security, health and education services and other facilities which will promote public welfare, shall be implemented within appropriate areas as designated/approved by the MANP Management Board.



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SECTION 26. Appropriation – The Secretary of the DENR shall include in its program the implementation of RA 9237 and this Order, the funding of which shall be charged against the MAOAF pursuant to Section 19 hereof and from the appropriations authorized under the Annual General Appropriations Act (GAA). The budget for MANP shall be included in the Annual Work and Financial Plan of the DENR Region XI and DENR Region XII comprising of the salaries, wages and benefits of the MANP staff as provided hereof, operations of the Management Board, MANP Superintendent's Office, and other expenditures that are necessary to implement the Act and this Order.

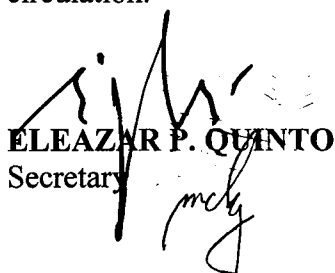
SECTION 27. Statutory Construction – The provisions of the Act shall be construed liberally in favor of tenured migrants and indigenous cultural communities and with due consideration of the prior property rights of the stakeholders, to RA 7160 (local Government Code), RA 7586 (NIPAS Act), RA 8371 (IPRA) and RA 8550 (Philippine Fisheries Code) and other existing environmental laws and their corresponding rules and regulations not inconsistent hereto shall have suppletory effect in the implementation of the Act and this Order.

SECTION 28. Amendment – This Order may be amended wholly or in part by the DENR Secretary through public notification and in consultation with the MANP Management Board.

SECTION. Repealing Clause – This Order repeals, modifies or amends accordingly all previous orders, memoranda, circulars, and other issuances inconsistent herewith.

SECTION 30. Separability Clause – If any part or section of this Administrative Order is declared unconstitutional, such declaration shall not affect the other parts or sections hereof.

SECTION 31, Effectivity – This Order shall take effect fifteen (15) days after its publication in the Office of the National Administrative Register and in newspaper of general circulation.


ELEAZAR P. QUINTO
Secretary



Publication: Malaya

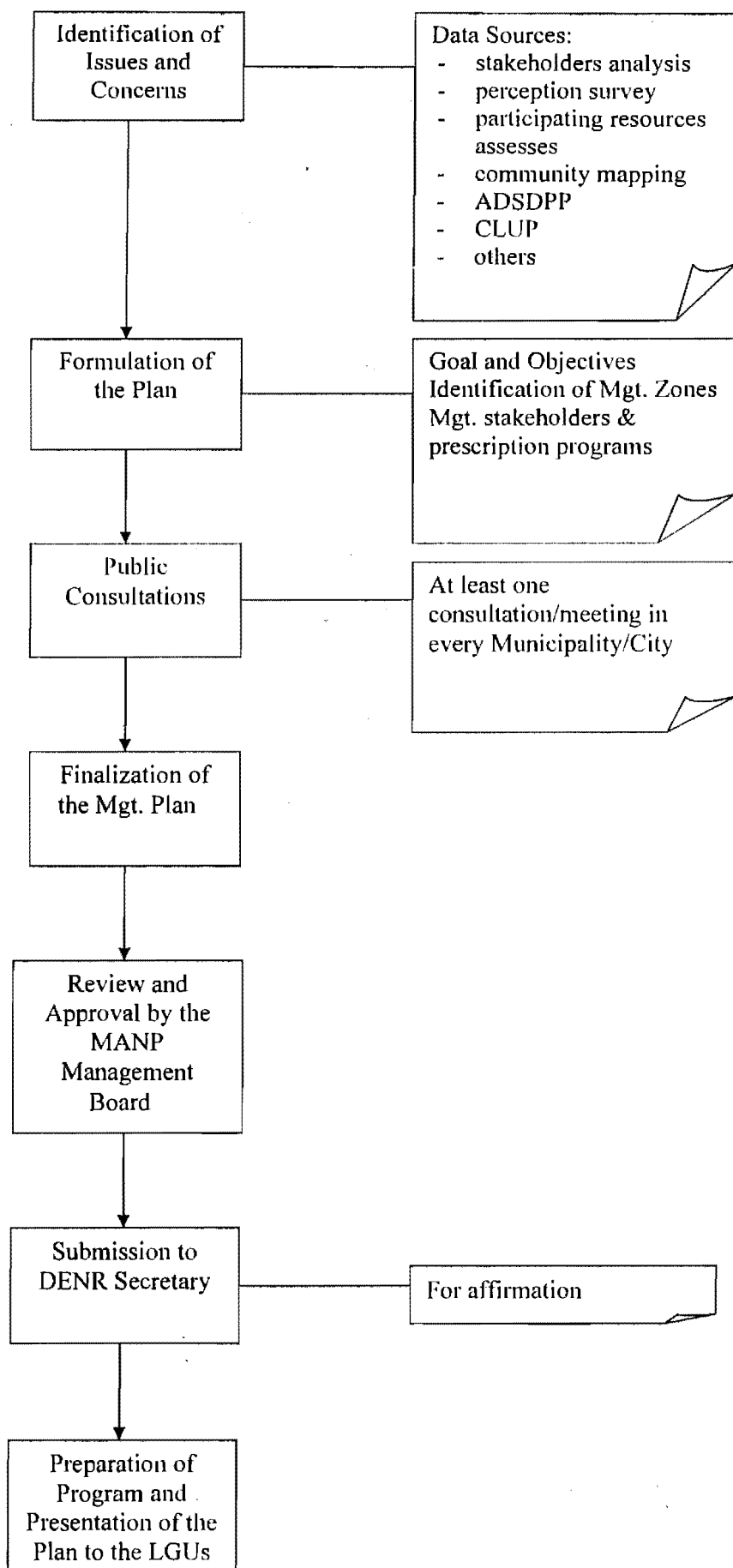
February 24, 2010

Acknowledgement: ONAR, U.P. Law Center

February 25, 2010

ANNEX B

MANAGEMENT PLANNING PROCESS FOR MT. APO NATURAL PARK



ANNEX C

For MT. APO NATURAL PARK MANAGEMENT PLAN

OUTLINE

- A. Executive Summary of the Plan
- B. Introduction
- C. Profile of the MANP
 - 1. Historical Context and Rationale for establishment
 - 2. Regional and Local Development Context
 - 3. Physical features of the MANP such as topography, geology, climate, hydrology, soil, hazards, etc.
 - 4. Biological Features such as habitats and ecosystems, flora and fauna
 - 5. Social, Economic and Cultural Profile such as demographic data, cultural profile of IPs, land use, ownership and tenure, resource use practices profile, poverty levels, social indicators, etc.
 - 6. Stakeholders of the MANP
 - 7. Current and Proposed Projects in MANP
 - 8. Current protected area management structures and management capabilities
- D. Management and Development Issues and Concerns
- E. The Management Plan
 - 1. The Vision, Mission, Goals and Objectives of the Management Plan
 - 2. Management Strategies
 - 3. Management zones
 - 4. Management Programs to include enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire prevention and pest control, mechanism for protection of ICCs/IPs and tenured migrants in the exercise of their sustainable and non-destructive livelihood activities, IEC, and ecotourism and visitor management.

The Visitor Management Program shall contain the following major components:

- 4.1 Interpretation. The Protected Area Office shall prepare an interpretive plan to make the visitors aware of the physical, biological and cultural features of the MANP and contribute to its conservation through visitor orientation, distribution of interpretive materials, installation of signs, tour guiding and multi-media

presentation. There shall be an Information Center or booths at major trails to provide the visitors with the facts about MANP, including the park regulations before any trekking or climbing.

4.2 Carrying Capacity. In order to prevent the negative impacts brought about by numerous trekkers to the peak and other camp sites in MANP, there shall be strict observance of the carrying capacity of the designated trails and camp sites.

4.3 Emergency Response and Disaster Preparedness. An Emergency plan shall be prepared to avoid unattended injuries or even loss of lives. First aid kits and medical supplies shall be available at all times.

4.4 Monitoring visitor satisfaction and impact. Visitor feedback about their visit to MANP should be gathered and analyzed to improve visitor management where needed. Visitor impacts shall also be monitored to ensure the integrity of the resources.

F. Management Standards and Guidelines which shall include regulations in furtherance of the preservation and conservation objectives of the MANP such as the issuance of permits, resource-use restrictions, among others.

G. Management Structure and Institutional Arrangement

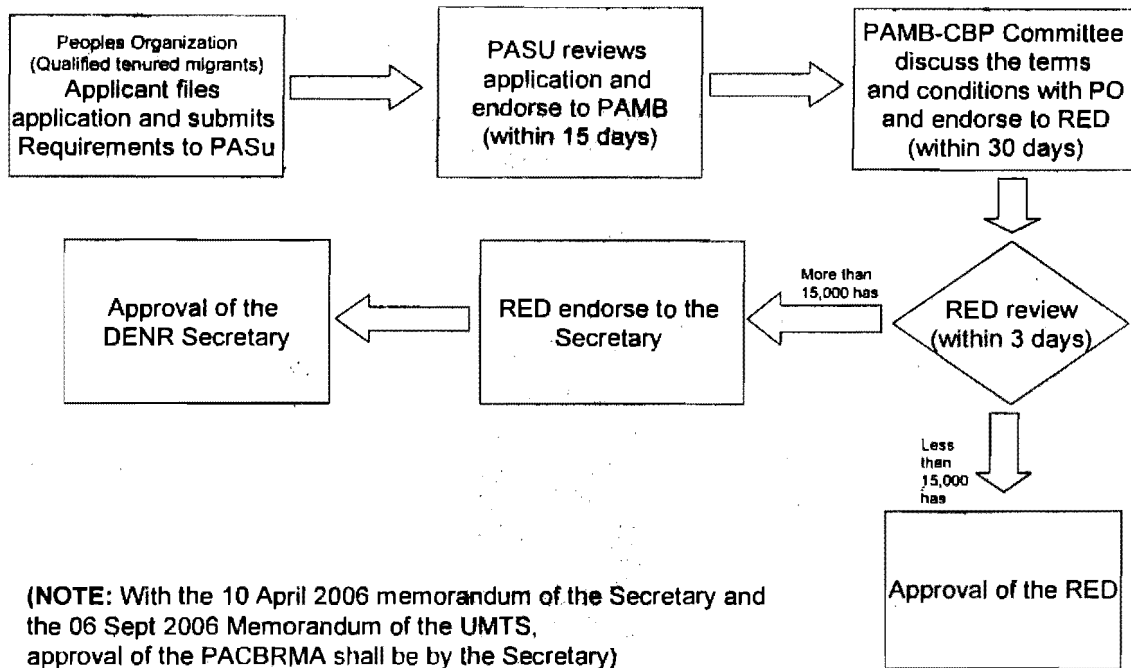
H. Implementation Plan

I. Budget and Financing Plan

J. Monitoring and Evaluation Plan

K. Annexes

ANNEX D. PROTECTED AREA COMMUNITY-BASED RESOURCE MANAGEMENT AGREEMENT ISSUANCE (PACBRMA) DAO 2004-32



ANNEX E. COMMUNITY RESOURCE MANAGEMENT PLAN PREPARATION

