

REPUBLIC ACT NO. 8978

AN ACT DECLARING THE MT. KITANGLAD RANGE IN THE PROVINCE OF BUKIDNON AS A PROTECTED AREA AND ITS PERIPHERAL AREAS AS BUFFER ZONES, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES.

Section 1. Title. — This Act shall be known as the "Mt. Kitanglad Range Protected Area Act of 2000."

Sec. 2. Declaration of Policy. — Considering the importance of Mt. Kitanglad's unique biological resources and its aesthetic, economical and ecological importance, it behooves the State to undertake steps for its protection and preservation. It is therefore declared the policy of the State to ensure the protection and preservation of Mt. Kitanglad Range, the communities, their culture and way of life therein in accord with the rhythm and harmony of nature. In so doing, the State shall ensure the protection of biodiversity, sustainable and participatory development, advance and protect the interests of its legitimate inhabitants and honor customary laws.

Sec. 3. Scope. — The boundaries of the Mt. Kitanglad Range Protected Area in the Province of Bukidnon, hereinafter referred to as the protected area (PA) are as follows:

Tie Line: Corner 1 is located at Mount Malapigtao, Alas-as, Lico-an, Sumilao, Bukidnon being S 50° 07' 28" W 911.21 meters from Universal Transverse Mercator (UTM) Northings 904,000 and Eastings 708,000 at Latitude 8° 10' 40" and Longitude 124° 53' 08".

LINE BEARING DISTANCE

1-2	N 79° 53' 30" E	600.00
2-3	N 79° 53' 30" E	481.99
3-4	N 32° 24' 30" E	606.05
4-5	N 20° 52' 40" E	589.59
5-6	N 54° 50' 0" E	1,388.71
6-7	S 55° 48' 40" E	343.75
7-8	N 88° 44' 0" E	433.23
8-9	S 47° 30' 0" E	814.12
9-10	N 90° 0' 0" E	300.56
10-11	S 40° 9' 0" E	481.97
11-12	S 11° 28' 40" E	512.43
12-13	S 62° 11' 20" E	374.40
13-14	S 34° 57' 20" E	560.37
14-15	S 44° 30' 20" E	465.34
15-16	N 31° 14' 20" E	417.56
16-17	S 89° 0' 0" E	674.32
17-18	S 75° 6' 0" E	746.87

18-19 S 81° 0' 0" E 693.92  
19-20 N 63° 2' 20" E 783.28  
20-21 S 13° 59' 30" W 511.76  
21-22 S 2° 4' 20" E 529.01  
22-23 S 14° 47' 40" W 336.49  
23-24 S 15° 43' 20" W 600.37  
24-25 S 19° 46' 20" W 488.71  
25-26 S 44° 40' 20" E 88.08  
26-27 N 80° 2' 30" E 815.52  
27-28 S 44° 52' 30" E 408.49  
28-29 S 8° 38' 40" E 402.68  
29-30 N 62° 11' 20" E 708.77  
30-31 N 83° 52' 20" E 920.00  
31-32 S 41° 30' 30" W 798.90  
32-33 S 45° 0' 0" E 85.00  
33-34 N 59° 4' 3" E 2,664.77  
34-35 S 51° 21' 30" E 437.81  
35-36 S 28° 22' 41" W 1,170.91  
36-37 S 31° 38' 20" E 742.97  
37-38 S 49° 27' 40" W 281.81  
38-39 S 14° 59' 0" E 211.06  
39-40 N 77° 8' 40" E 97.68  
40-41 S 40° 5' 0" E 1,200.91  
41-42 S 15° 18' 30" E 539.49  
42-43 S 31° 58' 0" E 215.83  
43-44 N 69° 9' 20" E 802.52  
44-45 S 33° 56' 30" E 116.98  
45-46 S 42° 55' 0" E 382.79  
46-47 S 56° 58' 20" W 265.79  
47-48 S 79° 50' 40" W 340.33  
48-49 S 61° 15' 0" W 644.46  
49-50 S 46° 48' 0" W 339.17  
50-51 S 2° 56' 30" E 233.64  
51-52 N 71° 13' 33" W 861.02  
52-53 S 65° 33' 40" W 452.16  
53-54 S 9° 4' 20" E 151.10  
54-55 S 45° 12' 0" E 245.38  
55-56 S 18° 42' 40" E 99.56  
56-57 S 61° 45' 40" E 99.44  
57-58 S 0° 24' 35" E 463.99  
58-59 S 5° 41' 0" E 283.50  
59-60 S 6° 53' 6" W 732.17  
60-61 S 34° 31' 0" E 366.46  
61-62 S 27° 47' 0" W 344.15  
62-63 S 36° 5' 0" E 370.68  
63-64 S 84° 35' 0" W 323.88  
64-65 S 86° 46' 0" W 326.77  
65-66 N 74° 40' 0" W 403.91  
66-67 N 86° 15' 0" W 442.00  
67-68 N 87° 53' 0" W 404.36  
68-69 N 7° 31' 0" E 285.76  
69-70 N 12° 41' 1" E 635.39  
70-71 N 43° 22' 0" E 251.15  
71-72 N 30° 44' 59" W 240.00  
72-73 N 80° 24' 0" W 690.10

73-74 N 71° 55' 31" W 263.59  
74-75 S 83° 48' 58" W 345.52  
75-76 S 2° 49' 34" E 726.10  
76-77 S 5° 49' 0" E 1,020.76  
77-78 N 77° 7' 1" W 608.27  
78-79 N 0° 0' 0" W 500.00  
79-80 S 90° 0' 0" W 600.00  
80-81 S 90° 0' 0" W 600.00  
81-82 S 90° 0' 0" W 1,000.00  
82-83 S 0° 0' 0" E 500.00  
83-84 S 90° 0' 0" W 400.00  
84-85 S 90° 0' 0" W 800.00  
85-86 S 86° 48' 0" W 604.62  
86-87 N 73° 0' 0" W 131.61  
87-88 S 42° 43' 0" W 227.47  
88-89 S 5° 2' 0" W 1,002.55  
89-90 N 44° 54' 0" W 374.73  
90-91 S 41° 14' 0" W 301.77  
91-92 N 71° 14' 0" W 1,054.45  
92-93 S 8° 11' 0" W 530.89  
93-94 N 66° 2' 0" W 100.21  
94-95 N 82° 0' 0" W 540.94  
95-96 S 89° 12' 0" W 138.80  
96-97 N 67° 33' 0" W 832.80  
97-98 N 41° 9' 0" W 303.84  
98-99 S 53° 10' 0" W 1,118.02  
99-100 N 2° 42' 24" E 316.42  
100-101 N 53° 26' 52" W 803.56  
101-102 S 85° 57' 24" W 644.18  
102-103 N 42° 47' 23" W 435.66  
103-104 S 82° 54' 18" W 729.88  
104-105 S 52° 41' 58" W 952.95  
105-106 N 48° 22' 1" W 1,184.67  
106-107 S 54° 16' 40" W 214.64  
107-108 S 21° 59' 58" W 464.58  
108-109 S 62° 11' 4" W 612.57  
109-110 N 63° 42' 19" W 476.49  
110-111 S 14° 43' 10" W 374.36  
111-112 S 86° 46' 57" W 762.24  
112-113 N 51° 21' 40" W 252.03  
113-114 N 34° 15' 27" W 360.92  
114-115 S 74° 9' 41" W 561.86  
115-116 N 77° 28' 28" W 188.04  
116-117 N 35° 40' 8" W 205.25  
117-118 N 17° 4' 9" W 163.73  
118-119 N 2° 27' 18" E 292.49  
119-120 N 19° 23' 41" W 330.71  
120-121 N 36° 37' 41" W 174.56  
121-122 N 18° 31' 36" W 100.61  
122-123 N 20° 53' 45" W 221.66  
123-124 N 71° 36' 16" W 263.39  
124-125 N 86° 48' 10" W 239.91  
125-126 N 67° 42' 58" W 162.11  
126-127 S 76° 25' 39" W 242.30  
127-128 S 79° 17' 54" W 144.05

128-129	S 52° 17' 25" W	395.91
129-130	S 80° 53' 24" W	153.61
130-131	N 72° 36' 34" W	455.20
131-132	N 71° 25' 29" W	434.50
132-133	S 27° 41' 1" W	523.90
133-134	N 20° 53' 46" W	1,060.85
134-135	S 33° 25' 42" W	716.05
135-136	N 67° 10' 31" W	467.58
136-137	N 59° 34' 14" W	544.72
137-138	N 80° 16' 38" W	857.36
138-139	N 59° 29' 5" W	542.81
139-140	N 49° 16' 33" W	456.38
140-141	N 74° 4' 53" W	490.39
141-142	S 87° 1' 18" W	898.65
142-143	S 73° 50' 17" W	495.20
143-144	S 73° 20' 45" W	427.65
144-145	N 23° 15' 28" E	535.62
145-146	N 82° 7' 5" W	390.04
146-147	N 31° 40' 12" W	330.09
147-148	N 34° 29' 28" W	449.46
148-149	N 23° 0' 26" W	598.24
149-150	N 36° 36' 47" W	642.61
150-151	N 11° 25' 2" W	502.29
151-152	N 14° 39' 32" W	423.46
152-153	N 30° 43' 10" W	608.21
153-154	N 66° 50' 9" W	408.81
154-155	N 63° 39' 50" W	535.62
155-156	N 27° 50' 47" W	508.49
156-157	N 5° 1' 40" W	595.05
157-158	N 46° 42' 16" W	496.79
158-159	N 33° 7' 42" W	499.95
159-160	N 45° 45' 41" W	410.14
160-161	N 18° 41' 23" E	902.36
161-162	N 36° 24' 2" W	106.21
162-163	N 30° 27' 35" E	558.71
163-164	N 88° 15' 28" E	205.24
164-165	N 7° 14' 32" E	444.04
165-166	N 31° 8' 0" E	347.15
166-167	N 37° 25' 35" E	206.02
167-168	N 2° 23' 42" E	433.12
168-169	N 30° 30' 3" W	517.90
169-170	N 53° 36' 4" W	653.18
170-171	N 37° 45' 16" W	642.18
171-172	N 39° 39' 14" E	95.93
172-173	S 64° 57' 38" E	859.25
173-174	S 40° 30' 21" E	577.19
174-175	S 43° 56' 6" E	570.33
175-176	S 73° 52' 44" E	556.21
176-177	S 38° 32' 41" E	645.85
177-178	S 54° 4' 11" E	400.13
178-179	N 24° 49' 0" E	564.79
179-180	N 54° 45' 12" W	453.84
180-181	N 39° 24' 27" W	270.94
181-182	N 57° 10' 13" E	670.31
182-183	N 67° 37' 0" E	688.72

183-184 S 65° 25' 11" E 1,303.23  
 184-185 S 86° 3' 17" E 872.06  
 185-186 N 82° 30' 14" E 383.28  
 186-187 N 81° 42' 33" E 554.80  
 187-188 N 30° 22' 55" W 591.18  
 188-189 N 18° 9' 9" W 641.95  
 189-190 N 9° 53' 38" W 436.49  
 190-191 N 13° 12' 28" W 503.31  
 191-192 N 48° 42' 41" W 578.92  
 192-193 N 18° 45' 36" W 668.52  
 193-194 N 49° 12' 19" E 482.13  
 194-195 S 83° 15' 35" E 443.06  
 195-196 N 50° 4' 23" E 423.80  
 196-197 S 84° 5' 37" E 291.55  
 197-198 S 72° 10' 52" E 294.11  
 198-199 N 76° 27' 50" E 555.43  
 199-200 S 24° 54' 17" E 463.06  
 200-201 S 37° 27' 38" E 485.02  
 201-202 S 41° 43' 8" E 555.99  
 202-203 N 84° 42' 35" E 542.31  
 203-204 S 31° 10' 58" E 1,924.13  
 204-205 S 58° 46' 5" E 549.66  
 205-206 S 14° 57' 31" E 677.97  
 206-207 N 49° 50' 38" E 628.03  
 207-208 N 65° 47' 26" E 707.19  
 208-209 N 86° 5' 38" E 1,580.49  
 209-210 S 49° 21' 23" E 305.80  
 210-211 S 12° 56' 16" E 580.06  
 211-212 S 6° 46' 32" E 673.76  
 212-213 S 45° 31' 37" E 259.05  
 213-214 N 78° 47' 21" E 1,697.38  
 214-215 N 80° 35' 33" E 1,214.30  
 215-216 N 62° 0' 17" E 193.37  
 216-217 S 74° 41' 13" E 250.21  
 217-218 S 59° 18' 12" E 202.67  
 218-219 S 79° 22' 6" E 168.79  
 219-220 N 59° 42' 46" E 185.99  
 220-221 S 7° 27' 42" E 249.72  
 221-222 S 67° 53' 32" E 254.92  
 222-1 S 56° 39' 54" E 841.86  
 TOTAL AREA = 312,351,929.57 sq. m. = 31,235.19 ha.

Any modification of this Act due to factors such as changing ecological situations, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an Act passed by Congress after full consultation with the affected public and concerned government agencies.

Sec. 4. Buffer Zones. — Buffer zones surrounding the PA are hereby established with the following boundaries:

TECHNICAL DESCRIPTION

TIE LINE: Corner 1 is N32° 15'E, 2660.27 from BBM # 37 CAD 830-D

LINE BEARING DISTANCE

1-2	N 29° 32' 00" E	3,287.0
2-3	N 78° 25' 00" E	3,087.8
3-4	S 18° 02' 00" E	842.6
4-5	S 78° 24' 00" E	1,194.3
5-6	N 31° 36' 00" E	992.2
6-7	N 23° 06' 00" E	1,070.8
7-8	N 21° 41' 00" E	1,678.7
8-9	N 74° 36' 00" E	4,216.1
9-10	S 76° 12' 00" E	1,802.0
10-11	S 38° 15' 00" E	877.8
11-12	S 67° 02' 00" E	428.2
12-13	S 55° 28' 00" E	346.5
13-14	S 00° 00' 00" W	749.8
14-15	S 18° 47' 00" E	644.2
15-16	S 87° 25' 00" E	672.9
16-17	N 85° 27' 00" E	797.6
17-18	S 86° 55' 00" E	494.7
18-19	S 81° 13' 00" E	577.2
19-20	S 38° 42' 00" E	978.8
20-21	S 67° 05' 00" E	1,889.6
21-22	N 65° 32' 00" E	1,486.6
22-23	S 79° 00' 00" E	916.9
23-24	S 71° 17' 00" E	1,029.1
24-25	S 82° 52' 00" E	1,539.6
25-26	S 58° 25' 00" E	1,237.4
26-27	S 28° 11' 00" E	1,080.1
27-28	N 64° 17' 00" E	575.0
28-29	N 23° 51' 00" E	519.5
29-30	N 21° 42' 00" E	702.0
30-31	S 77° 09' 00" E	461.5
31-32	N 77° 11' 00" E	567.7
32-33	N 66° 03' 00" E	702.0
33-34	N 74° 24' 00" E	1,702.2
34-35	S 00° 45' 00" W	1,560.64
35-36	S 12° 12' 00" W	1,184.13
36-37	S 3° 11' 00" E	1,930.88
37-38	S 88° 38' 00" E	404.40
38-39	N 69° 22' 00" E	949.41
39-40	N 72° 14' 00" E	311.88
40-41	N 88° 09' 00" E	315.06
41-42	S 50° 50' 00" E	504.08
42-43	S 79° 00' 00" E	240.0
43-44	N 48° 00' 00" E	240.0
44-45	N 80° 00' 00" E	240.0
45-46	N 62° 00' 00" E	240.0
46-47	N 64° 00' 00" E	210.0
47-48	S 41° 00' 00" E	300.0
48-49	S 65° 00' 00" E	150.0
49-50	S 63° 00' 00" E	270.0
50-51	S 18° 00' 00" W	240.0
51-52	S 18° 01' 00" W	270.0
52-53	S 27° 00' 00" E	210.0
53-54	S 04° 00' 00" E	390.0

54-55	S 25° 00' 00" E	120.0
55-56	N 67° 00' 00" E	240.0
56-57	N 70° 00' 00" E	240.0
57-58	S 44° 00' 00" E	240.0
58-59	S 41° 00' 00" E	240.0
59-60	S 61° 00' 00" W	270.0
60-61	S 45° 00' 00" W	240.0
61-62	S 13° 00' 00" E	270.0
62-63	S 68° 00' 00" E	240.0
63-64	S 59° 00' 00" E	270.0
64-65	S 52° 00' 00" E	240.0
65-66	S 52° 02' 00" E	270.0
66-67	S 69° 00' 00" W	270.0
67-68	S 53° 00' 00" W	250.0
68-69	S 36° 00' 00" W	250.0
69-70	S 20° 00' 00" E	300.0
70-71	S 81° 00' 00" E	280.0
71-72	N 60° 00' 00" E	290.0
72-73	N 00° 01' 00" E	190.0
73-74	N 45° 00' 00" W	200.0
74-75	N 48° 00' 00" E	210.0
75-76	N 56° 00' 00" E	200.0
76-77	S 53° 00' 00" E	190.0
77-78	S 26° 00' 00" E	410.0
78-79	N 82° 00' 00" E	150.0
79-80	N 81° 00' 00" E	220.0
80-81	S 89° 00' 00" E	170.0
81-82	S 53° 00' 00" E	130.0
82-83	S 30° 00' 00" W	200.0
83-84	S 13° 00' 00" W	210.0
84-85	S 26° 00' 00" E	300.0
85-86	N 88° 00' 00" W	190.0
86-87	S 16° 00' 00" E	50.0
87-88	S 53° 00' 00" W	300.0
88-89	S 53° 01' 00" W	320.0
89-90	S 78° 00' 00" W	340.0
90-91	S 07° 00' 00" E	230.0
91-92	S 84° 00' 00" W	310.0
92-93	S 84° 01' 00" W	300.0
93-94	S 17° 00' 00" E	270.0
94-95	S 17° 01' 00" E	230.0
95-96	S 16° 00' 00" E	140.0
96-97	S 84° 11' 00" W	166.1
97-98	S 76° 11' 00" E	381.0
98-99	S 82° 15' 00" E	1,846.9
99-100	S 08° 42' 00" E	1,224.0
100-101	S 67° 06' 00" W	770.7
101-102	S 88° 58' 00" W	555.1
102-103	N 55° 15' 00" W	754.6
103-104	N 57° 24' 00" W	602.0
104-105	N 56° 56' 00" W	1,026.2
105-106	N 51° 56' 00" W	292.1
106-107	N 19° 06' 00" W	550.2
107-108	S 37° 29' 00" W	378.0
108-109	S 02° 17' 00" E	250.1

109-110	S 52° 59' 00" E	764.0
110-111	S 26° 16' 00" E	836.4
111-112	S 20° 49' 00" W	534.9
112-113	S 23° 53' 00" E	568.5
113-114	S 10° 26' 00" E	772.7
114-115	S 69° 57' 00" E	787.7
115-116	S 82° 36' 00" E	544.5
116-117	S 84° 46' 00" E	341.5
117-118	S 16° 31' 00" E	696.9
118-119	S 32° 02' 00" W	1,109.26
119-120	S 01° 34' 00" W	526.79
120-121	S 57° 16' 00" W	363.43
121-122	N 86° 53' 00" W	750.00
122-123	S 43° 43' 00" W	240.33
123-124	S 31° 21' 00" W	456.40
124-125	N 77° 04' 01" W	335.10
125-126	N 83° 18' 00" W	298.43
126-127	N 66° 11' 00" W	520.53
127-128	S 74° 41' 00" W	538.23
128-129	N 63° 18' 00" W	469.0
129-130	N 49° 11' 00" W	714.2
130-131	S 77° 47' 00" W	1,036.1
131-132	N 02° 08' 00" W	1,340.0
132-133	N 46° 03' 00" W	930.7
133-134	N 53° 15' 00" W	1,897.0
134-135	S 55° 32' 00" W	1,237.0
135-136	S 71° 22' 00" W	2,722.8
136-137	S 78° 55' 00" W	2,496.5
137-138	N 83° 07' 00" W	1,087.8
138-139	S 77° 38' 00" W	1,402.5
139-140	N 35° 09' 00" W	660.3
140-141	S 71° 17' 00" W	2,649.9
141-142	N 70° 11' 00" W	3,688.2
142-143	N 67° 07' 00" W	1,389.3
143-144	S 85° 17' 00" W	1,214.1
144-145	S 87° 10' 00" W	1,421.7
145-146	N 31° 06' 00" W	2,884.5
146-147	N 79° 36' 00" W	1,108.3
147-148	S 74° 26' 00" W	4,380.5
148-149	N 14° 21' 00" W	1,976.9
149-150	N 45° 37' 00" W	2,644.8
150-151	N 63° 05' 00" W	1,905.2
151-152	N 14° 36' 00" E	991.7
152-153	N 06° 14' 00" E	1,205.1
153-154	N 08° 45' 00" W	1,052.2
154-1	N 35° 09' 00" E	1,355.1

TOTAL AREA BOUNDED BY BUFFER ZONE: 47,270 ha.

LESS PROTECTED AREA: 31,235.19 ha.

NET BUFFER ZONE AREA: 16,034.81 ha.

Such buffer zones are established for the purpose of providing an extra layer of protection around the PA in which restrictions can apply and communities can assist in repelling threats to the PA. Such buffer zone shall be managed according to the management plan herein provided.



Sec. 5. Definition of Terms. — The following terms are hereby defined for the purpose of this Act:

- (a) "Ancestral domain" refers to all lands and natural resources occupied or possessed by indigenous cultural communities, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions since time immemorial, continuously to the present except when interrupted by war, force majeure, or displacement by force, deceit or stealth. It includes all adjacent areas generally belonging to them and which are necessary to ensure their economic, social and cultural welfare.
- (b) "Indigenous cultural communities" shall refer to tribes, including but not limited to Higaonon, Talaandig and Bukidnon who have continuously lived as communities on communally bounded and defined land since time immemorial and have succeeded in preserving, maintaining and sharing common bonds of language, customs, traditions and other distinctive cultural traits.
- (c) "Nonrenewable resources" shall refer to those resources found within the PA and its buffer zones, the natural replenishment rate of which is either not known or takes more than twenty-five (25) years.
- (d) "Protected species" shall refer to any individual of the species *Pithecopaga Jefferyi* or of any species listed under the Convention of International Trade of Endangered Species (CITES), or any plant or animal that shall be declared as protected under Philippine laws, rules and regulations issued by the Department of Environment and Natural Resources (DENR) or the Protected Area Management Board (PAMB) or through management plan herein provided.
- (e) "Non-government organization" shall refer to any civic, development or philanthropic organization which is multi-sectoral in character.
- (f) "People's organization" shall refer to any grouping of people formed to advance the interests of the sector represented, provided such sector is marginalized, poor or disempowered.
- (g) "Public consultation" shall refer to a meeting dialogue with the concerned or affected individuals within and outside the PA designed to identify and resolve issues and problems affecting them.
- (h) "Secretary" shall refer to the Secretary of the DENR.

Sec. 6. Management Plan. — The Protected Area Superintendent (PASu) shall prepare the management plan in coordination with the appropriate offices of the DENR and local communities and tribal experts who have experience in the particular cultures in the area. The management plan shall be reviewed, approved and adopted by the PAMB and certified by the Secretary. Such certification is mandatory if the plan conforms to all laws, rules and regulations issued by the DENR of national application. In no case shall the management plan be revised or modified without prior consultation with the PAMB.

Within one (1) year from the effectivity of this Act, the management plan shall have been put into effect following the General Management Planning Strategy (GMPS) provided under Republic Act No. 7586 and according to the procedure herein set forth. It shall contain, among others, the following:

- (a) Period of applicability of the plan;
- (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, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control, etc.;
- (f) Zoning; and
- (g) Visitor management programs.

The PASu shall prepare all successor plans. Two (2) years before the expiration of the period of applicability of the plan in effect, the PASu shall cause publication of notices for comments and suggestions on the next successor plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three (3) other areas frequented by the public. Public hearings may be conducted on the successor plan upon the written request of any interested party. The proposed plan shall be made available to the public during the period for comment and a finalized plan shall be made available for public perusal at the office of the PASu upon the approval of the PAMB.

The zoning of the PA shall give primary consideration to the traditional zones used and recognized by indigenous cultural communities and, whenever applicable, those that have been sustainably used by tenured migrant communities for an appreciable length of time unless such uses are deemed detrimental to biodiversity and the protection of the natural characteristics of the PA.

The plan shall be in a language understandable in the area, plainly written and available for perusal to the general public at the PASu office.

Sec. 7. Institutional Mechanisms. — The following administrative and policy-making mechanism shall be observed:

(A) The Protected Area Management Board (PAMB) — The PAMB shall be the policy-making body of the PA. It shall be composed of:

- (1) The regional executive director of the DENR, as chairman;
- (2) The barangay captains or their authorized representatives with territory inside the protected area;
- (3) One (1) NGO/PO representative concerned with the PA management chosen from among the eight (8) municipalities with territory inside the PA and duly accredited with the municipality being represented;
- (4) The regional director of the Department of Agriculture (DA) or his/her authorized permanent representative;
- (5) The provincial officer of the National Commission on Indigenous Peoples (NCIP);
- (6) The mayors or their authorized representatives of the towns and cities with territory inside the PA;
- (7) The provincial manager of the Land Bank of the Philippines (LBP);

- (8) One (1) representative for the owners and operators of existing facilities to be chosen among themselves;
- (9) The Provincial Planning and Development Officer, sitting as ex officio member to be endorsed by the governor;
- (10) One (1) representative from the sangguniang panlalawigan to be elected among themselves; and
- (11) One (1) representative from each indigenous cultural community within the PA chosen using customary practices.

Each member of the PAMB shall serve for a term of five (5) years and shall be considered to represent and carry the vote of his or her sector in all matters. PAMB members who represent government officials or agencies shall serve according to the term of office of their principals, unless sooner terminated by such official/s.

The PAMB of Mt. Kitanglad Range Protected Area shall have the following powers and functions:

- (a) Issue all rules and regulations to implement the provisions of this Act and promote the policy declaration herein set forth;
- (b) Establish criteria and set fees for the issuance of permits for the activities regulated by the Act or the management plan;
- (c) Adopt rules of procedure for the conduct of business, including the creation of committees to whom its powers may be delegated;
- (d) Approve the management plan and oversee the Office of the PASu;
- (e) Deputize interested individuals for the enforcement of the laws, rules and regulations adopted pursuant to this Act;
- (f) Accept donations, approve proposals for funding and budget allocations and exercise accountability over all funds that may accrue to the Mt. Kitanglad Range Protected Area;
- (g) Coordinate with appropriate agencies for the regulation of flight patterns of aircraft going over the area in terms of altitudinal limits and emissions; and
- (h) Retain legal counsel, either on a permanent or temporary basis, to provide legal assistance to the PAMB and the PASu staff whenever they are sued in connection with the performance of their duties under this Act.

The Secretary shall exercise authority over PAMB to ensure that it is acting within the scope of its powers and functions. In case of conflict between administrative orders of national application issued by the DENR pursuant to Republic Act No. 7586 and the rules and regulations issued by the PAMB, the PAMB shall notify the Secretary who shall resolve such conflict.

(B) The PA Superintendent (PASu) — There shall be a PA Superintendent who is an employee of the DENR and shall serve as the chief operating officer of the PA. The PASu shall have the following powers and functions:

- (1) Prepare the management and successor plan as herein provided;
- (2) Provide a secretariat for the PAMB which shall supply it with all the information necessary to make appropriate decisions when necessary;
- (3) Hire and supervise the necessary personnel to support operations as the budget made available by the PAMB may allow;
- (4) Establish a productive partnership with the local community, including groups interested in the achievement of the goals and objectives of the PA, and in the planning, protection and management thereof;
- (5) Develop and implement a park information, education and visitor program;
- (6) Enforce the laws, rules and regulations relevant to the PA and assist in the prosecution of offenses;
- (7) Monitor all activities within the PA for conformity with the management plan; and
- (8) Perform such other functions as the PAMB may assign.

Sec. 8. Ancestral Lands and Domains. — For purposes of this Act, the following shall govern ancestral lands and domains in the protected area:

- (a) The rights of the indigenous peoples to the ancestral domains are hereby fully recognized. Traditional property regimes exercised by the indigenous cultural communities in accordance with their customary laws shall govern the relationships of all individuals within their communities with respect to all land and resources found within ancestral lands.
- (b) An indigenous cultural community, through its representatives as provided in Section 3 herein may apply for Certificates of Ancestral Domain Title (CADT) as herein defined to be recorded in the same manner as Certificates of Title under the Property Registration Decree. Each CADT would contain documentation, if any, of the customary rights pertaining to the indigenous cultural community involved. The Department shall make rules and regulations for the proper implementation of this section, which shall specify the kinds of evidence admissible to prove title, the process of documentation of the written and oral traditions for inclusion in the CADT and the recognition of customary leadership within the tribe: Provided, That such rules shall not, in any way, impair, diminish or effect a deprivation of the vested and customary rights of the community and its members: Provided, further, That the nondocumentation of these rights do not preclude their exercise under the law: Provided, finally, That there shall be no prescription for the exercise of these rights. For purposes of determining the existence of these rights in order to resolve conflicts, recourse to customs shall be given preference, with due consideration to the dynamism of culture.
- (c) Presumptions — The following presumptions shall govern, unless proven to be contrary to documented or oral custom by clear and convincing evidence in the proper administrative or judicial proceeding providing due hearing to all parties concerned:
  - (i) All lands presently occupied by indigenous cultural communities since time immemorial shall be presumed to be ancestral lands.
  - (ii) Rights and obligations within ancestral lands are presumed to be governed by customary law.

(iii) Rights and obligations within ancestral lands governed by customary law are presumed to be held collectively by the community.

(iv) Rights and obligations within ancestral lands proven to be held by individuals under customary law are presumed to be held in trust by such individuals for the whole community.

(v) The continued practice of traditional and sustainable living shall be sufficient consideration for the State in place for the payment of taxes on ancestral domains. Real property taxes, however, shall accrue when there is a determination by the PAMB upon a petition by an interested party that the properties are commercially used and not in conformity with traditional and sustainable natural resource management practices.

Owing to differences in cultural and social worldview, the provisions of the Act shall be construed liberally in favor of indigenous cultural communities and their members.

Sec. 9. Tenured Migrants and Transient Farmers. — Tenured migrants are those members of households that have actually and continuously occupied the Mt. Kitanglad Range Protected Area since July 1, 1987 and are substantially dependent on the PA for their livelihood. For the purposes of official documentation of rights and extent of occupation within the PA, the tenured migrant household shall be issued a tenure instrument over such areas as have been occupied or cultivated since July 1, 1987. Tenured migrants may occupy and use the area specified in the instrument for a term of twenty-five (25) years renewable for another twenty-five (25) years. The holder of the instrument upon the lapse of this period may negotiate for a new instrument and his/her occupancy shall be evaluated by the PAMB for purposes of such renewal.

If despite consideration paid to current practices, areas occupied by tenured migrants are designated as zones in which no occupation or other activities are allowed, provision for their transfer to multiple use zones or buffer zones shall be accomplished using humanitarian considerations.

Persons who have been cultivating land within the PA since July 1, 1987 are considered to be occupying such lands and shall be entitled to a tenure instrument restrictive to cultivation: Provided, That the rights under such can only be transferred to direct descendants.

Tenured migrant instruments may be cancelled for violation of the terms and conditions specified therein, upon the holder's repeated refusal to comply with the management plan or the regulations set by the PAMB or by voluntary surrender of rights. Upon cancellation of a tenured migrant instrument, the PASu shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the transient or tenured migrant.

Tenured migrant instruments are transferable only to direct descendants but are not visible to numerous heirs.

Sec. 10. Prohibited Acts. — The following shall be the prohibitions and penalties applicable to the PA:

(A) The penalties in Articles 309 and 310 of the Revised Penal Code depending on the value of the resources taken, damaged or destroyed shall be imposed upon any person who performs any of the following acts:

(1) Hunting, destroying, trapping, disturbing or possessing anywhere within Mt. Kitanglad Range Natural Park any wild plants or animals or products derived therefrom without a permit from the

PAMB: Provided, That such permits shall only be given for scientific purposes necessary for protected area management;

(2) Cutting, gathering, collecting or removing timber or forest products without permit: Provided, That such permits shall only be given for scientific purposes necessary for protected area management;

(3) Possessing outside the PA any wild plants or animals or products derived therefrom which came from the PA;

(4) Mineral exploration or extraction, drilling or prospecting for minerals within the Mt. Kitanglad Range;

(5) Construction or maintaining any kind of road, structure, fence or enclosure without permit from the PAMB: Provided, That structures within ancestral domains used by indigenous cultural communities need not be under a permit from the PAMB; and

(6) Altering, mutilating, excavating, removing, destroying or defacing boundaries, marks or signs, natural formations, burial grounds, religious sites, artifacts, objects belonging to indigenous cultural communities and other object of natural and scenic value or affixing marks or signs on trees.

Valuation of the damage shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. Commission of these acts likewise carries the penalty of eviction from the PA and the forfeiture of all transportation, structures and building materials, equipment, devices, weapons used for the commission of the offense as well as the PA resources caught in the possession of the accused.

The local government unit responsible for the imposition of the penalties herein and the arrest and confiscation of the materials shall have a fifty percent (50%) share in the disposition thereof while the rest shall accrue to the PAMB.

(B) A fine of not less than One hundred thousand pesos (P100,000.00) nor more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one (1) year and not more than five (5) years shall be imposed upon:

(1) Any person found guilty of grazing, causing livestock to be grazed or raising poultry within the PA without permit from the PAMB; and

(2) Any public officer or officer of the law, who, in dereliction of the duties of his/her office, shall maliciously refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of offenses. Conviction of this offense shall also carry the penalty of perpetual disqualification from public office.

Any person who shall induce another or conspire to commit any of the acts in this section or suffer his/her workers to commit any of such acts shall be liable in the same manner as the one actually performing the act.

All activities contained in the management plans and such other measures as are necessary for protection, preservation and protected area management as certified by the PAMB and the Secretary and undertaken by the PASu or those deputized by the PAMB shall not be covered by the above. The certified customs and traditional practices of the indigenous cultural communities are also allowable activities over which the above prohibitions shall not apply.

(C) A fine of not less than One thousand pesos (P1,000.00) but not more than One hundred thousand pesos (P100,000.00) and/or imprisonment of not less than one (1) year nor more than five (5) years and the restoration and rehabilitation of the damage shall be imposed upon any person who commits any of the following acts:

- (1) Violating any rule or regulation in the management plan of the PAMB or agreements reached before the PAMB in its exercise of adjudicative functions;
- (2) Dumping, burning or disposition of any waste products, vegetation or materials within the PA to the detriment of inhabitants, plants or animals therein;
- (3) Use of motorized equipment without a permit except the use of motorized vehicle in areas where the national highway, provincial road or other public thoroughfare traversing the park: Provided, That such thoroughfares were legally constructed;
- (4) Occupation of any portion of land inside the protected area without a permit from the PAMB: Provided, That occupation shall be of such a nature as to last more than ten (10) days in a particular portion of the PA; and
- (5) Entry into the PA without a permit from the PAMB.

Sec. 11. Contracts Over Lands within the PA. — The purchase, sale encumbrance, mortgage, usufruct or lease of lands within the PA to persons outside the PA not otherwise qualified to hold lands therein shall be invalid unless verified and validated by the PAMB: Provided, That verification and validation by the PAMB shall depend on the subsisting rights to enter into such contract due to vested rights, customary practices or individual ownership prior to the establishment of the area as protected area.

Sec. 12. Special Prosecutors. — Within thirty (30) days from the effectivity of his Act, the Department of Justice shall designate a special prosecutor to whom all cases of violation of laws, rules and regulations in the PA shall be assigned. Such special prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The PAMB may appoint a special private prosecutor on a case-to-case basis to assist the public prosecutor in the enforcement of protected area laws.

Sec. 13. Local Government Units. — Local government units (LGUs) shall participate in the management of the Mt. Kitanglad Range through representation in the PAMB as provided under Section 7A. The LGU retains its ordinance-making powers over the territory covered under this Act but with due consideration to the protected area management objectives. If a conflict between the LGU and the protected area management objectives remains unresolved within the PAMB, it shall be resolved through mediation.

Sec. 14. Integrated Protected Area Funds. — The following shall constitute part of the Integrated Protected Area Funds (IPAF) and shall be subject to the rules on IPAF from the moment they accrue:

- (1) Proceeds from special land use and resource utilization and real property taxes from commercially used ancestral domains, as may be set by the PAMB;
- (2) Fees exacted from permitted collection of wild flora and fauna and other sources within the PA as may be set by the Department and by the PAMB;
- (3) Fees from industries and facilities directly benefiting from the PA;

- (4) Fines and fees, including PA entry and visitor's fees, as may be imposed and collected from the operation of the PA and set by the PAMB; and
- (5) Contributions, donations, endowments and grants from any legal source intended for the operation of the PA.

The local government units shall continue to imposed and collect all other fees not enumerated herein which it has traditionally collected such as business permits, property taxes and rentals of local government unit facilities. Furthermore, local government units may charge add-ons to fees imposed by the PAMB: Provided, That such add-ons shall be determined based on the contribution of the local government unit in the maintenance and protection of the PA.

Sec. 15. Existing Facilities within the PA. — Within thirty (30) days from the effectivity of this Act, all commercial facilities existing within the boundaries of the PA with the total capitalization exceeding One hundred thousand pesos (P100,000.00) shall submit to the PAMB through the PASu the initial environmental examination and the environment compliance certificate, the waste cycle, fuel requirements and transportation of fuel within the PA, personnel and expected personnel traffic within the park, project life cycle, and exit or repair plans for degraded structure, studies on the effects of operation on wildlife, the development plans and mitigating measures against adverse environmental impact and such other relevant information as may affect protected area management.

Based on its submission, the PAMB with the help of the DENR, shall determine whether the existence of such facility and its future plan and operation will be detrimental to the PA. Failure to submit the required information shall constitute a violation of this Act. The PAMB may prescribe conditions for the operation of the facility to ensure that it does not contradict protected area management objectives. If any of such conditions are violated, a fine of Five thousand pesos (P5,000.00) for every day of violation shall be imposed and the operation of the facility shall be ordered to cease. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), the PAMB, through the PASu and deputizing other government entities, shall cause the demolition of the facility at the cost of its owners.

Existing facilities allowed to remain within the PA may be charged a reasonable fee by the PAMB which shall be embodied in a Memorandum of Agreement to be entered into by the PAMB and the owner of the facility. All incomes derived from such fees shall accrue to the IPAF.

Sec. 16. Utilization of Nonrenewable Resources. — Any exploration for, exploitation or utilization of nonrenewable resources within the PA shall not be allowed. Energy projects, whether renewable or otherwise, shall be permitted only through an act of Congress: Provided, That exploitation or exploration or renewable energy up to three (3) megawatts capacity shall be exempt from such requirement.

Sec. 17. Appropriation. — The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act in the year following its enactment into law.

Sec. 18. Construction in Favor of Tenure Migrants. — The provisions of this Act shall be construed liberally in favor of tenured migrants and indigenous cultural communities and with due consideration to the protection of the biodiversity. Republic Act No. 7586 shall have supplementary effect in the implementation of this Act.

Sec. 19. Repealing Clause. — All laws, rules and regulations inconsistent herewith are modified accordingly. The prohibitions and penalties under Republic Act No. 7586 are hereby superseded for the entire area covered by this Act.



Sec. 20. Separability Clause. — If any part or section of this Act is declared by the court as unconstitutional, such declaration shall not affect the other parts or sections hereof.

Sec. 21. Transitory Provision. — All persons who do not qualify as tenured migrants, transient farmers or who have no ancestral domains within the PA shall be allowed to harvest fruits or crops planted before the effectivity of this Act. Thereafter, all planted crops of such unqualified persons shall be confiscated and proceeds thereof shall accrued to the IPAF.

Sec. 22. Effectivity Clause. — This Act shall be translated in Filipino, Cebuano and Binukid. It shall be published once every week for three (3) consecutive weeks in a newspaper of general circulation readily available in the areas in and around the scope specified herein. It shall likewise be posted for the same three (3) weeks in the appropriate language in a conspicuous place in the provincial, municipal and barangay halls within the area as well as in three (3) other places frequented by the public. Fifteen (15) days after the last publication, this Act shall have full force and effect.

Approved: November 9, 2000.