

[ **REPUBLIC ACT NO. 9494, August 22, 2007** ]

**AN ACT DECLARING THE MIMBILISAN WATERSHED LOCATED IN THE MUNICIPALITIES OF BALINGOAN AND TALISAYAN, PROVINCE OF MISAMIS ORIENTAL AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES**

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

SECTION 1. *Title.* - This Act shall be known and cited as "The Mimbilisan Protected Landscape Act".

SEC. 2. *Declaration of Policy.* - It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. For this purpose, the State shall secure for the present and future generations of Filipinos the perpetual existence of all native plants and animals within the Mimbilisan Watershed in the municipalities of Balingoan and Talisayan, Province of Misamis Oriental, through its establishment as a component of the National Integrated Protected Areas System (NIPAS) under the category of protected landscape. The State shall likewise promote the participation of local communities in the management of the Mimbilisan Watershed and protect the way of life of the people living in and around the protected area.

SEC. 3. *Scope.* - The boundaries of the Mimbilisan Protected Landscape are as follows: Tie Line: Point. 1 or Corner 1 on the map is S 37° W, approximately six thousand two hundred meters (6,200 m.) from the MBM of the Municipality of Talisayan, Misamis Oriental.

<b>LINE</b>	<b>BEARING</b>	<b>DISTANCE</b>
1 - 2	S 55° 00'E	310.00 meters
2 - 3	N 73° 00'E	200.00 meters
3 - 4	S 52° 00'E	200.00 meters
4 - 5	S 08° 20'E	633.00 meters
5 - 6	S 55° 60'W	200.00 meters
6 - 7	S 60° 60'W	190.00 meters
7 - 8	N 68° 60'W	220.00 meters
8 - 9	S 68° 60'W	150.00 meters
9 - 10	N 09° 60'W	390.00 meters
10 - 11	N 09° 60'E	260.00 meters
11 - 12	N 34° 00'E	110.00 meters
12 - 13	N 62° 60'W	220.00 meters
13 - 14	N 19° 60'W	170.00 meters
14 - 15	N 70° 00'E	190.00 meters
15 - 1	S 86° 00'E	110.00 meters

The total land area of the Mimbilisan Protected Landscape is six hundred sixty thousand square meters (660,000 sq.m.) or sixty-six hectares (66 has.), more or less, located within the territory of Barangay Mapua, Municipality of Balingoan, Province of Misamis Oriental.

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

- a. "Biological diversity" or "biodiversity" shall refer to the wealth of life forms found on earth, the millions of different plants, animals and microorganisms, the genes they contain and the intricate ecosystem they form.
- b. "Buffer zones" shall refer to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area.
- c. "General management plan" shall refer to the basic long-term framework plan for the management of the protected area and shall serve as guide in the preparation of the annual operations plan and budget.
- d. "General Management Planning Strategy (GMPS)" shall refer to a guide in the formulation of site specific management plans, including buffer zones.
- e. "Indigenous peoples" shall refer to people sharing common bonds of language, customs, traditions and other distinctive cultural traits and who have since time immemorial occupied, possessed and utilized a territory.
- f. "Integrated Protected Areas Fund (IPAF)" shall refer to a trust fund established for purposes of financing projects within a protected area.
- g. "Management manual" shall refer to the individual management plan containing basic background information, field inventory of the resources, assessment of assets and limitations, regional interrelationships, particular objectives for managing the area, appropriate division into management zones, review of the boundaries and design of the management programs of the area.
- h. "National Integrated Protected Areas System (NIPAS)" shall refer to the classification and administration of all designated protected areas established pursuant to Republic Act No. 7586 to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources and to maintain the natural conditions to the greatest extent possible.
- i. "Protected Area (PA)" shall refer to identified portions of land and water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- j. "Protected Area Management Board (PAMB)" shall refer to the site-based decision-making body responsible in the planning, resource protection and general administration of the area in accordance with the approved management plan.
- k. "Protected landscape" shall refer to an area of national significance which is characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of the area.
- l. "Protected Area Superintendent (PASu)" shall refer to the chief operating officer of the Department of Environment and Natural Resources (DENR) for the Mimbilisan Protected Landscape.

- m. "Secretary" shall refer to the Secretary of the DENR.
- n. "Tenured migrants" shall refer to any person who has actually and continuously occupied an area for five years prior to the designation of the same as a PA in accordance with the provisions of Republic Act No. 7586 or the NIPAS Act and are solely dependent therein for subsistence.

SEC. 5. *Management of the Mimbilisan Protected Landscape.* - The management of the Mimbilisan Protected Landscape shall be vested in the PAMB as herein provided, which shall serve as the highest policy-making body for the PA. Through the PAMB, the management structure for the PA shall promote partnership, participation, cooperation and coordination with local communities and civil society organizations.

SEC. 6. *The Protected Area Management Board (PAMB).* - The PAMB for the Mimbilisan Protected Landscape shall be composed of:

- a. The regional executive director (RED) of the DENR Region X, as chairman;
- b. The mayors of the municipalities of Balingoan and Talisayan, Province of Misamis Oriental or their authorized representatives;
- c. The barangay captains with territory inside and adjacent to the PA or their authorized representatives;
- d. The regional director of the Department of Agriculture (DA)-Region X or his authorized representative;
- e. The Provincial Environment and Natural Resources Officer (PENRO) of Misamis Oriental;
- f. The Community Environment and Natural Resources Officer (CENRO) of Gingoog City;
- g. Two non-government organization/people's organization (NGO/PO) representatives concerned with PA management, chosen from among the two municipalities with territory inside the PA and duly accredited with the municipality being represented; and
- h. The Provincial Planning and Development Officer (PPDO) of Misamis Oriental, sitting as *ex-officio* member, to be endorsed by the provincial governor.

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

SEC. 7. *Powers and Functions of the PAMB.* - The PAMB for the Mimbilisan Protected Landscape shall exercise the following powers and functions:

- a. Issue 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 this Act or the approved management plan;
- c. Identify the buffer zone for the PA;
- d. Adopt rules of procedure for the conduct of business, including the creation of committees to whom its powers may be delegated;
- e. Approve the management plan and oversee the office of the PASu;
- f. Deputize interested individuals for the enforcement of the laws, rules and regulations adopted pursuant to this Act;
- g. Accept donations, approve proposals for funding and budget allocation and exercise accountability over all funds that may accrue to the PA;

- h. Coordinate with appropriate agencies for the regulation of flight patterns of aircraft going over the area to set acceptable latitudinal limits and emissions; and
- i. 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 the PAMB to ensure that it exercises its authority within the scope of its powers and functions. In case of conflict between administrative orders of national application issued by the DENR pursuant to the NIPAS Act and the rules and regulations issued by the PAMB, the PAMB shall notify the Secretary who shall resolve such conflict.

The local government units (LGUs) of the municipalities of Balingoan and Talisayan shall participate in the management of the PA through representation in the PAMB as provided under Section 6 hereof. The LGUs shall retain their power to adopt ordinances over the territory covered under this Act giving due consideration, however, to PA management objectives. If a conflict between LGU and PA management objectives remain unresolved within the PAMB, the Secretary shall resolve such issue with the concerned LG U.

*SEC. 8. The Mimbilisan Protected Landscape Superintendent Office.* - There is hereby established a Protected Area Superintendent's Office in charge of the management, protection and administration of the PA. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the Mimbilisan Protected Landscape or the PA and shall be accountable to the RED of the DENR-Region X and the PAMB.

The PASu shall have the following powers and functions:

- a. Prepare the management and successor plans as herein provided;
- b. Provide a secretariat for the PAMB to supply the latter with all information necessary to make appropriate decisions;
- c. Hire and supervise the necessary personnel to support operations as the budget made available by the PAMB may allow;
- d. 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;
- e. Develop and implement a park information, education and visitor program;
- f. Enforce the laws, rules and regulations relevant to the PA and assist in the prosecution of offenses thereof;
- g. Monitor all activities within the PA for conformity with the management plan; and
- h. Perform such other functions as the PAMB may assign.

The PASu shall prepare a management plan in coordination with the appropriate offices of the DENR, the LGUs, the local communities and experts on tribal communities who have experience in the particular cultures in the area. The management plan shall be reviewed approved and adopted by the PAMB and certified to by the Secretary so that it conforms to all laws, rules and regulations of national application. In no case shall the management plan be revised or modified without prior consultation with the PAMB.