

[REPUBLIC ACT NO. 9237, February 03, 2004]

AN ACT ESTABLISHING MOUNT APO LOCATED IN THE MUNICIPALITIES OF MAGPET AND MAKILALA AND CITY OF KIDAPAWAN, PROVINCE OF COTABATO, IN THE MUNICIPALITIES OF BANSALAN AND STA. CRUZ AND CITY OF DIGOS, PROVINCE OF DAVAO DEL SUR, AND IN THE CITY OF DAVAO, AS A PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK AND ITS PERIPHERAL AREAS AS BUFFER ZONES, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES

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

CHAPTER I

INTRODUCTORY PROVISIONS

SECTION 1. *Title.* — This Act shall be known as the Mount Apo Protected Area Act of 2003.

SEC. 2. *Declaration of Policy.* — Considering 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 protection 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 people's organizations.

SEC. 3. *Definition of Terms.* —

- a. "Ancestral domain/ancestral lands" refers to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), subject to property 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 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" refers to areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 of Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992, that need special development and control in order to provide an extra layer around the protected area where restrictions may apply and managed according to the management plan and applicable rules and regulations issued as provided for in this Act and related statutes.
- d. "By-products" refers 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, resin, gum, seed, spores, pollen, honey, beeswax, and the like.
- e. "Collection or collecting" refers to the act of gathering or harvesting wild flora and fauna species and its by-products or derivatives.
- f. "Commercial facilities" refers to the conduct of business by natural or artificial persons with the purpose of securing an economic or resource surplus not needed for immediate subsistence.
- g. "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.
- h. "Ecosystem" refers to the community of plants and animals, their physical environment, and the interactions between them.
- i. "Environmental Impact Assessment" refers to the Environment Impact Assessment System established under Presidential Decree No. 1586 or supervening legislation.
- j. "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.
- k. "Fish/aquatic animals/products" refers 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.
- l. "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.
- m. "Forest products" refers 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.
- n. "Indigenous Cultural, Communities" refers 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 are substantially dependent upon the protected area.
- o. "Legitimate private rights" refers to vested prior rights acquired in accordance with existing laws without taint of deceit, stealth, fraud or bad faith.

- p. "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.
- q. "Non-government organizations" refers to nonstock, nonprofit organizations with qualifications and expertise and engaged in activities concerning community organizing and development or resource and environmental conservation, management and protection related to the protected area.
- r. "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.
- s. "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.
- t. "Secretary" refers to the Secretary of the Department of Environment and Natural Resources (DENR).
- u. "Stakeholders" refers to individuals, communities, organizations or aggrupation of specific interests or sectors which have particular interest in the achievement of the objective of this Act 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.
- v. "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.
- w. "Tenured migrants" refers to individuals and households who have actually and continuously occupied public lands which are not alienable and disposable within the protected area before June 1, 1987 and are substantially dependent on the protected area for their livelihood.
- x. "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 and all mangrove.

SEC. 4. *Scope.* — The Mt. Apo Natural Park shall cover certain parcels of lands situated 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 boundaries of the Mt. Apo Natural Park, containing an area of 549,744,724.32 square meters, more or less, subject to ground demarcation are as follows:

Beginning at a point marked "1" on the map and on the ground; being N 45°36' W about 4,044.877 meters from BCGS monument APO B.L. 29E 1953;

CORNER	LINE	BEARING	DISTANCE	CORNER MONUMENT	REFERENCE OR LOCATION
	1 2	N 54°12' E	543.89 meters	20 CM X 20 CM. Conc. Mon.	On ridge of Mt. Talomo range.
2	2 3	S 56°38' E	5,595.16 meters	20 CM X 20 CM. Conc. Mon.	Bank of Talomo River.
3	3 4	S 4°33' E	1,852.29 meters	20 CM X 20 CM. Conc. Mon.	Junction of Talomo River & Taguy Cr.
4	4 5	S 41°18' W	229.50 meters	20 CM X 20 CM. Conc. Mon.	Bank of Taguy Cr.
5	5 6	S 36°28' E	122.09 meters	20 CM X 20 CM. Conc. Mon	On slope of ridge
6	6 7	S 40°40' E	515.88 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
7	7 8	S 48°30' E	338.66 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
8	8 9	N 56°17' E	2,742.27 meters	20 CM X 20 CM. Conc. Mon.	Bank of Saro River
9	9 10	N 85°53' E	1,745.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of Saro River
10	10 11	S 31°47' W	3,166.44 meters	20 CM X 20 CM. Conc. Mon.	Junct. of Lipadas River & Saro River
11	11 12	S 22°00' E	475.14 meters	20 CM X 20 CM. Conc. Mon.	Bank of Lipadas River
12	12 13	N 77°00' E	350.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
13	13 14	S 30°00' E	235.12 meters	20 CM X 20 CM. Conc. Mon.	Bank of Longon 1 Creek
14	14 15	N 63°19' E	1,266.50 meters	20 CM X 20 CM. Conc. Mon.	Bank of Longon 2 Creek
15	15 16	S 66°42' E	504.80 meters	20 CM X 20 CM. Conc. Mon.	Junct. of Longon 2 Cr. & Alano Cr.

16	16 17	S 53°40' W	968.03 meters	20 CM X 20 CM. Conc. Mon.	Bank of Tagurano Creek
17	17 18	S 41°47' W	695.66 meters	20 CM X 20 CM. Conc. Mon.	On ridge near trail
18	18 19	S 51°28' W	469.85 meters	20 CM X 20 CM. Conc. Mon.	Bank of Lapuy Creek
19	19 20	S 62°41' W	505.11 meters	20 CM X 20 CM. Conc. Mon.	Bank of Lapuy Creek
20	20 21	S 50°00' E	213.77 meters	20 CM X 20 CM. Conc. Mon.	Bank of Lapuy Creek
21	21 22	S 14°00' E	395.50 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
22	22 23	N 72°16' E	280.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of Gumate Creek
23	23 24	S 68°59' E	465.05 meters	20 CM X 20 CM. Conc. Mon.	Bank of Gumate Creek
24	24 25	N 47°06' E	420.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of Gumate Creek
25	25 26	S 77°13' E	440.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of Gumate Creek
26	26 27	S 05°15' W	340.00 meters	20 CM X 20 CM. Conc. Mon.	Bank of Gumate Creek
27	27 28	S 05°15' W	339.64 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge near Bulakan
28	28 29	N 73°59' E	455.24 meters	20 CM X 20 CM. Conc. Mon.	Bank of Walaway Creek
29	29 30	S 84°56' E	817.53 meters	20 CM X 20 CM. Conc. Mon.	Bank of Walaway Creek
30	30 31	S 70°48' W	1,888.69 meters	20 CM X 20 CM. Conc. Mon.	Junct. of Bato River & Walaway Creek
31	31 32	S 04°00' W	220.55 meters	20 CM X 20 CM. Conc. Mon.	Bank of Bato River
32	32 33	S 22°00' W	470.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
33	33 34	S 22°00' W	530.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
34	34 35	S 22°00' W	300.00 meters	20 CM X 20 CM. Conc. Mon.	On slope/side of trail
35	35 36	S 85°00' W	400.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
36	36 37	Due South	601.96 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
37	37 38	S 53°28' E	353.22 meters	20 CM X 20 CM. Conc. Mon.	North bank of Baracatan River
38	38 39	S 22°40' W	258.01 meters	20 CM X 20 CM. Conc. Mon.	North bank of Baracatan River
39	39 40	S 22°40' W	298.88 meters	20 CM X 20 CM. Conc. Mon.	On slope south of Cucob Creek
40	40 41	S 22°41' W	101.57 meters	20 CM X 20 CM. Conc. Mon.	On slope near DENR office bldg.
41	41 42	S 34°00' E	125.00 meters	20 CM X 20 CM. Conc. Mon.	On bank of gully
42	42 43	S 10°00' W	350.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge

43	43 44	S 21°00' W	600.00 meters	20 CM X 20 CM. Conc. Mon.	On slope of ridge
44	44 45	S 36°00' W	600.00 meters	20 CM X 20 CM. Conc. Mon.	North bank of Madalambaog Cr.
45	45 46	N 78°10' W	860.59 meters	20 CM X 20 CM. Conc. Mon.	North bank of Dolis Creek
46	46 47	S 03°31' W	189.10 meters	A point	At source of Bidaran Creek
47	47 48	S 08°32' W	510.52 meters	STAKE	On slope of ridge
48	48 49	S 37°46' E	2,405.34 meters	STAKE	On slope of ridge
49	49 50	S 07°57' E	448.82 meters	STAKE	On slope of ridge
50	50 51	S 52°25' E	479.94 meters	A point	At bank of Cabarisan Creek
51	51 52	S 17°25' W	891.71 meters	A point	At bank of Cabarisan Creek
52	52 53	S 02°03' E	1,297.30 meters	STAKE	On slope of ridge W. of Balusong Cr.
53	53 54	S 75°03' E	954.26 meters	STAKE	On slope of ridge E. of Balusong Cr.
54	54 55	N 56°54' E	1,346.63 meters	STAKE	On slope of ridge
55	55 56	S 67°28' E	1,856.12 meters	STAKE	On slope of ridge E. of Ligi Creek
56	56 57	S 15°31' E	1,963.46 meters	STAKE	On bank of Bunawan Cr.
57	57 58	S 57°14' E	1,251.26 meters	STAKE	On slope of ridge
58	58 59	S 31°51' E	2,370.84 meters	STAKE	On slope of ridge
59	59 60	S 19°04' W	1,626.45 meters	STAKE	On slope of ridge
60	60 61	S 10°34' E	739.39 meters	STAKE	On slope of Kabayawa Ridge
61	61 62	S 43°16' W	2,752.97 meters	STAKE	On slope of Ridge Patulangan
62	62 63	N 36°44' W	2,090.86 meters	STAKE	On slope of Lubo Ridge
63	63 64	N 64°18' W	457.09 meters	STAKE	Bank of Latong Creek
64	64 65	S 83°11' W	892.99 meters	STAKE	On slope of Luay Ridge
65	65 66	S 53°45' W	1,566.66 meters	STAKE	On slope of ridge
66	66 67	S 04°21' W	1,713.10 meters	STAKE	N. bank of Pilan Creek
67	67 68	S 89°58' W	1,829.53 meters	STAKE	On slope of ridge
68	68 69	S 79°40' W	355.08 meters	STAKE	On slope of ridge
69	69 70	N 34°57' W	1,040.41 meters	STAKE	On slope of ridge
70	70	S 59°05' W	1,180.96 meters	STAKE	On slope of ridge

	71				
71	71 72	N 71°35' W	511.08 meters	STAKE	On slope of ridge
72	72 73	S 42°59' W	399.11 meters	STAKE	On bank of Calagan Creek
73	73 74	S 39°02' W	398.93 meters	20 CM X 20 CM. Conc. Mon.	On bank of Calagan Creek
74	74 75	S 22°37' E	1,480.46 meters	20 CM X 20 CM. Conc. Mon.	Junct. of Calagan Cr. & Ruparan River
75	75 76	S 12°52' E	1,103.10 meters	20 CM X 20 CM. Conc. Mon.	Bank of Ruparan River
76	76 77	S 444°46' E	1,166.20 meters	20 CM X 20 CM. Conc. Mon.	Bank of Ruparan River
77	77 78	S 02°18' W	2,075.31 meters	20 CMX 20 CM. Conc. Mon.	Bank of Ruparan River
78	78 79	S 62°17' W	1,386.05 meters	20 CM X 20 CM. Conc. Mon.	Bank of Ruparan River
79	79 80	N 49°54' W	1,109.34 meters	20 CM X 20 CM. Conc. Mon.	Bank of Ruparan River
80	80 81	N 36°01' W	1,216.78 meters	STAKE	On slope of ridge
81	81 82	N 24°39' W	672.95 meters	STAKE	On bank of Bidarag Creek
82	82 83	N 63°53' W	1,223.94 meters	STAKE	On slope of ridge
83	83 84	N 42°21' W	890.68 meters	STAKE	On east bank of Calamagan Creek
84	84 85	N 43°58' W	528.01 meters	STAKE	On east bank of Napan Creek
85	85 86	N 86°49' W	903.14 meters	STAKE	On slope of ridge
86	86 87	S 61°39' W	428.68 meters	STAKE	On slope of ridge
87	87 88	N 89°34' W	798.06 meters	STAKE	On slope of ridge
88	88 89	S 52°09' W	502.97 meters	STAKE	On bank of intermittent creek
89	89 90	S 26°19' W	867.72 meters	STAKE	On slope of ridge
90	90 91	N 84°54' W	1,918.83 meters	STAKE	Slope of ridge west of Balabag Creek
91	91 92	S 82°42' W	1,921.99 meters	STAKE	On slope of ridge
92	92 93	N 78°21' W	767.59 meters	STAKE	Slope of ridge west of Sinawilan Creek
93	93 94	S 88°37' W	352.11 meters	STAKE	On bank of Miral River
94	94 95	N 27°59' W	1,076.23 meters	STAKE	Slope of ridge west of Miral River
95	95 96	N 57°56' W	564.60 meters	STAKE	On slope of ridge
96	96 97	N 00°09' W	487.82 meters	STAKE	On slope of ridge
97	97 98	N 53°47' W	3,390.96 meters	STAKE	On slope of ridge