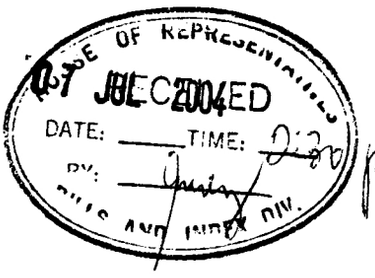
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



THIRTEETH CONGRESS
First Regular Session

House Bill No. 1224

Introduced by HONORABLE FELIX R. ALFELOR, JR.

EXPLANATORY NOTE

This bill was filed with the 12th Congress as House Bill No. 6314 with the following explanatory note:

"For so many years, *Lake Buhi* and other small lakes nearby specially *Lakes Manapao, Katugday, Maydanao and Makuao* have been the refuge of the world's smallest edible fish, the "*Sinarapan*" (Mystiches luzunensis philippinensis), locally known in the Bicol Region as the "*Tabios*".

And as this habitat of the Sinarapan continues to be threatened by environmental destruction, Lake Buhi has become the last frontier in the survival of the world's smallest edible fish.

Proliferation of fish cages, siltation, rising water temperature, and water pollution are just some of the factors that endanger the ecological of Lake Buhi. Because of these, the Sinarapan population continues its depletion at an alarming rate as reported by the Bureau of Fisheries and Aquatic Resources.

This bill seeks to declare Lakelets *Manapao, katugday, Maydanao and Makuao* of Buhi, Camarines Sur as a protected area or a sanctuary and provide for its management to prevent the rapid extinction of the Sinarapan specie.

In the view of the foregoing reasons, the passage of this bill which was filed before the 12th Congress but was not acted upon its adjournment, is earnestly sought.

N. FELIX R. ALFELOR, JR.
Representative
4th District, Camarines Sur

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THIRTEENTH CONGRESS
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House Bill No. 1224

Introduced by HONORABLE FELIX R. ALFELOR, JR.

AN ACT
DECLARING LAKELETS MANAPAO, KATUGDAY, MAYDANAO AND MAKUAO OF BUHI, CAMARINES SUR AS PROTECTED AREA AND ITS PERIPHERAL AREAS AS BUFFER ZONES, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

SECTION 1. **Title**. - This Act shall be known as "The Lake Buhi Sanctuary Act of 2002."

SECTION 2. **Establishment**. - There is hereby established as part of the National Integrated Protected Areas System (NIPAS) under Republic Act No. 7586, the areas of Lake Buhi in the Municipality of Buhi, Province of Camarines Sur to be known as the Lake Buhi Tabios Sanctuary, hereinafter referred to as the Sanctuary.

SECTION 3. **Scope**. – The Sanctuary shall be located at Lake Manapao in Barangay San Ramon, Lake Katugday, between Barangay San Ramon and De Lafe, Lake Maydanao, Polangui-Buhi Boundary, near Barangay Makaangay, and Lake Makuao in Barangay San Ramon, all in situated in the Municipality of Buhi, Province of Camarines Sur.. More particularly, the Sanctuary shall have the following technical description:

A. LAKE MANAPAO

Beginning at corner "2", a point located S 75° 05' E, about 712.296 meters from GPS Control Point BUHI No. 2 to corner 1with longitude 123°28'41.3" and latitude 13°24'53.55";

Thence	N 76° 55' W	28.315 meters	to point 2
Thence	N 08° 10' W	61.333 meters	to point 3
Thence	N 47° 51' E	58.465 meters	to point 4
Thence	N 63° 18' E	49.059 meters	to point 5
Thence	N 35° 30' E	44.953 meters	to point 6
Thence	S 74° 48' E	55.048 meters	to point 7
Thence	S 60° 47' E	46.434 meters	to point 8
Thence	S 49° 38' E	75.553 meters	to point 9
Thence	S 10° 19' E	23.012 meters	to point 10
Thence	S 34° 15' W	51.043 meters	to point 11
Thence	S 86° 02' W	204.060 meters	to point 1

B. LAKE MAKUAO

Beginning at corner "3", a point located N 75° 08' W, about 138.333 meters from GPS Control Point BUHI No. 3 to corner 1 and with longitude 123°28'49.23" and latitude 13° 25'21.55";

Thence	N 83° 51' W	35.727 meters	to point 2
Thence	N 70° 28' W	59.038 meters	to point 3
Thence	N 05° 03' E	63.316 meters	to point 4

Thence	N 54° 31' E	61.480 meters	to point 5
Thence	S 66° 34' E	46.288 meters	to point 6
Thence	S 18° 27' E	56.832 meters	to point 7
Thence	S 26° 32' W	55.808 meters	to point 1

C. LAKE KATUGDAY

Beginning at corner "5", a point located S 16° 15' W, about 533.870 meters from GPS Control Point BUHI No. 5 to corner 1 and with longitude 123°29'19.76" and latitude 13° 25'19.47";

Thence	S 45° 52' E	49.234 meters	to point 2
Thence	S 20° 11' E	49.104 meters	to point 3
Thence	S 26° 28' W	83.419 meters	to point 4
Thence	S 26° 58' W	42.951 meters	to point 5
Thence	S 28° 44' W	157.389 meters	to point 6
Thence	S 27° 10' W	50.100 meters	to point 7
Thence	N66° 11' W	19.709 meters	to point 8
Thence	N 02° 04' E	105.608 meters	to point 9
Thence	N 24° 03' E	287.369 meters	to point 1

D. LAKE MAYDANAO

Beginning at corner "20", a point located S 32° 12' E, about 906.042 meters from MBM No. 20, Cad – 249 Malinao, Albay to Corner No.1 and with longitude 123°50'0.68" and latitude 13° 25'59.70";

Thence	S 72° 42' E	95.790 meters	to point 2

Thence	S 72° 17' E	49.700 meters	to point 3
Thence	S 49° 04' E	73.090 meters	to point 4
Thence	S 15° 26' E	72.930 meters	to point 5
Thence	S 04° 19' W	58.235 meters	to point 6
Thence	S 15° 21' W	140.892 meters	to point 7
Thence	S 57° 05' W	36.858 meters	to point 8
Thence	N 85° 27' W	33.806 meters	to point 9
Thence	N 54° 18' W	27.816 meters	to point 10
Thence	N 23° 22' W	89.264 meters	to point 11
Thence	N 62° 02' W	29.337 meters	to point 12
Thence	S 48° 19' W	30.556 meters	to point 13
Thence	N 88° 25' W	134.701 meters	to point 14
Thence	N 69° 39' W	22.540 meters	to point 15
Thence	N 20° 34' W	67.440 meters	to point 16
Thence	N 01° 17' W	121.160 meters	to point 17
Thence	N 45° 16' E	75.590 meters	to point 18
Thence	N 70° 43' E	59.760 meters	to point 19
Thence	N 82° 56' E	39.210 meters	to point 20
Thence	N 76° 28' E	67.440 meters	to point 1

Within six (6) months from the effectivity of this Act, the Department of Environment and Natural Resources (DENR) shall mark the boundaries of the Sanctuary with visible and permanent markers and shall thereafter see to it that the same are maintained.

SECTION 4. **Definition of Terms.** – For purposes of this Act, the following terms are defined as follows:

a) "Buffer zones" are identified areas outside the boundaries of and immediately adjacent to the Sanctuary that need special development and control in order to avoid or minimize harm to the Sanctuary.

b) "Ecotourism" is a kind of tourism wherein no damage to the ecology is sustained by the influx of visitors to the Sanctuary.

c) "Fish production" refers to the capacity of the species found within the Sanctuary to multiply to achieve a certain density of fish population.

d) "Management manual" is the manual relating to the management of the Sanctuary described in Section 8 thereof.

e) "Maximum sustainable yield" is the greatest amount of fish and fish products taken or harvested from within the Sanctuary without affecting sustainability.

f) "Multiple-use zones" shall refer to areas where settlement, traditional or sustainable activities and other income-generating or livelihood activities may be allowed to the extent prescribed in the management plan.

g) "Secretary" shall refer to the Secretary of the Department of Environment and Natural Resources.

h) "Small fisherfolk inhabitant" shall refer to any person who has actually and continuously lived within the Sanctuary for a period of five (5) years before the passage of this Act and is solely dependent on fishing for sustenance and livelihood.

SECTION 5. **The Protected Area Management Board for Lake Buhi Sanctuary**. – There is hereby created a Protected Area Management Board for Lake Buhi Sanctuary (PAMB-LBS) which shall be the sole policy-making and permit granting body of the Sanctuary and its buffer zones.

In addition to the powers enumerated in Republic Act No. 7586, the PAMB-LBS shall decide by a majority vote and shall decide by a majority vote and shall have the following powers and functions:

a) Formulate the management plan and management manual of the Sanctuary;

b) Decide on matters relating to planning, peripheral protection and general administration of the Sanctuary in accordance with the management plan;

c) Plan the proper utilization of the annual budget allocations and the proper disposition of fees and other funds generated or held by the Sanctuary;

d) Control and supervise the office of the Lake Buhi Sanctuary Superintendent (hereinafter referred to as the "Superintendent);

e) Delineate and demarcate management zones such as strict protection zones, multiple-use and buffer zones;

f) Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development consistent with the management manual;

g) Control and regulate the construction, operation and maintenance of buildings, roads, trails, waterworks, sewerage, fire protection and sanitation systems, and other public utilities within the Sanctuary;

h) Fix prescribed fees to be collected from the government agencies or any person, firm or corporation deriving benefits from the Sanctuary and exact administrative fees or fines for violation of the provisions of this Act;

i) Grant permits to eco-tourists, campers, research groups or individuals and visitors;

j) Grant permits for sustainable utilization of lake resources in accordance with existing rules and regulations governing the same;

k) Enter into contracts and agreements with private entities or public agencies as may be necessary to carry out the purposes of this Act;

l) Accept funds, gifts or donations for the Sanctuary;

m) Call on any agency or instrumentality of the government as well as academic institutions, non-government organizations and other sectors as may be necessary to accomplish the objectives of this Act;

n) Conduct studies on various characteristics, features and conditions of the Sanctuary;

o) Adopt and enforce plans or schemes for the control of activities that may threaten the ecological balance of the Sanctuary in consultation with the local government units in the area and other government agencies and instrumentalities;

p) Retain legal counsel to defend cases against the PAMB-LBS and the office of the Superintendent whenever they are sued in connection performance of their duties under this Act.

The DENR, through the Regional Executive Director, shall ensure that the PAMB-LBS, acts within the scope of its powers and functions. In case of conflict between administrative orders issued by the DENR pursuant to Republic Act No. 7586 and the resolutions issued by the PAMB-LBS, the Secretary shall decide whether to apply the rule or withdraw its application from the Sanctuary.

SECTION 6. **Composition**.- The PAMB-LBS shall be composed of the following:

a) The Regional Executive Director of the DENR Region V, as ex officio chairman;

b) The Superintendent (hereinafter provided), **as ex officio co- chairman;**

c) The Mayor of the Municipality of Buhi, as ex officio member;

d) The Chairman of the Committee on Natural Resources of the Sangguniang Panlungsod of Buhi, as ex officio member;

e) The Chief of Police of Buhi, as ex officio member;

f) The punong barangays of Brgys. San Ramon, De Lafe, Makaangay, Buhi, Camarines Sur and **Brgy. Maydanao, Polangui, Albay** as ex officio members;

g) Five (5) representatives from non-government organizations, as members, who shall be endorsed by heads of organizations which are based in municipality of Buhi, Camarines Sur, and have established and recognized interest in the protected areas. These representatives shall include two (2) representatives from the fisherfolk organizations, one representative from duly registered commercial fishing associations, one (1)

representative from the youth sector and one (1) representative from the civic-oriented organizations;

h) A representative of the Department of Agriculture (DA) appointed by the Secretary of Agriculture, as member;

The members shall choose from among themselves the vice chairperson of the PAMB-LBS.

The non-ex officio members of the PAMB-LBS shall serve for a term of five (5) years. The two (2) co-chairperson, the vice chairperson, and the members shall not receive compensation but shall be entitled to reasonable *per diem* incurred in the performance of their duties in accordance with existing budgeting and auditing rules and regulations.

SECTION 7. **Removal from Office**. – A PAMB member may be removed for cause and upon majority vote on the following grounds:

a) More than three (3) consecutive unexcused absences in regular PAMB en banc meetings;

b) Commission of any of the prohibited acts as provided in this Act, the Republic Act No. 7586 or other rules and regulations governing protected areas and protected species.

c) Graft and corruption; and

d) Conviction of any criminal offense.

The non-ex officio members of the PAMB-LBS shall serve for a term of five (5) years. The two (2) co-chairpersons, the vice chairperson, and the members shall not receive compensation but shall be entitled to reasonable *per diem* incurred in the

performance of their duties in accordance with existing budgeting and auditing rules and regulations.

SECTION 8. **Management Plan and Manual.** – Within one (1) year from the effectivity of this Act, a management manual which contains the Sanctuary Management Plan and supporting data shall be prepared in accordance with the General Management Planning Strategy as provided in Republic Act No. 7586. The management plan shall serve as the basic long-term framework plan in the management of the sanctuary and guide in the preparation of the annual operation plan and budget. The management manual shall be drafted with the assistance of experts in such fields as socioeconomic planning, ecology and sanctuary management, reviewed and endorsed by the PAMB-SMR, and approved by the Secretary.

1) The management plan shall promote the adoption and implementation of innovative management techniques, including:

   a. Buffer zone management;

   b. Habitat conservation and rehabilitation;

   c. Diversity management;

   d. Community organizing;

   e. Socioeconomic and scientific researches;

   f. Site-specific policy development; and

   g. Others which the PAMB-LBS may deem appropriate.

2) The management manual shall include:

   a. Basic background information;

   b. Field inventory of the resources within the Sanctuary;

c. Assessment of assets and limitations;

d. Particular objectives for managing the Sanctuary;

e. Divisions of the Sanctuary into management zones;

f. Review of the boundaries of the Sanctuary; and

g. Design and management programs.

The management plan shall be reviewed and updated on a regular basis, at least once every three (3) years. However, in cases where significant physical development occur within the Sanctuary or critical resources constraints prevent implementation of important programs or projects, the management plan or some components thereof may be revised or modified. Any modification or revision of the management plan shall be approved by a majority of PAMB-LBS members.

SECTION 9. **Lake Buhi Sanctuary Office**. - There is hereby created the Lake Buhi Sanctuary Office headed by the Lake Buhi Sanctuary Superintendent, hereinafter referred to as the Superintendent, who shall be the chief operations officer of the Sanctuary.

SECTION 10. **Powers and Functions of the Superintendent**. – The Superintendent shall have full responsibility for the protection of the resources within the Sanctuary. As such, he/she shall have the following duties and responsibilities in addition to those provided under existing rules and regulations:

a) Serve as secretariat to the PAMB-LBS with the duty to provide the PAMB-LBS with all the information necessary to make appropriate decisions for the implementation of this Act;

b) Hire and supervise the necessary personnel to support operations as the budget may allow;

c) Establish a productive partnership with local communities, including groups supporting the achievement of the goals and objectives of this Act;

d) Develop and implement sanctuary information, education and visitor programs;

e) Enforce the laws, rules and regulations and PAMB-LBS resolutions relevant to the Sanctuary and its buffer zones, and assist in the prosecution of offenses;

f) Monitor all activities within the Sanctuary and its buffer zones in conformity with the management plan; and

g) Perform such other function as the PAMB-LBS may assign.

SECTION 11. **Small Fisherfolk Inhabitants.** – Small fisherfolk inhabitants shall be allowed to fish with the Sanctuary subject to the rules and regulations promulgated by the PAMB-LBS.

Section 12. **Other Activities within the Sanctuary**. – Proposals for activities which are outside the scope of the management plan shall be subject to an Environmental Impact Assessment (EIA) as required by existing laws, rules and regulations. Results thereof shall be taken into consideration in the decision-making process of the PAMB-LSB. No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippine Environmental Impact Assessment System and PAMB-LBS approval. For purposes of this Act, the following are provided:

a) Existing Infrastructure. – Existing infrastructure established within the Sanctuary by government and non-government institutions shall be subject to inventory and evaluation as to whether it conforms to the management plan and assessed in terms of their significance to the public interest and impact to the Sanctuary. In case they are found significant to public interest, but with no adverse impact to the Sanctuary, a contract or agreement may be entered into by the PAMB-LSB including negotiations of payment fees based on profit-sharing agreement in accordance with law: Provided, That infrastructure which do not conform to the management plan shall not be allowed to be repaired, renovated or improved until they are naturally destroyed and vacated. Repairs, renovation and improvement of the existing infrastructure allowed by the PAMB-LBS with the Sanctuary shall be in conformity with the management plan and duly approved by the PAMB-LSB.

b) Special-Use Infrastructure. – Special-use infrastructure such as power lines, telecommunications equipment and military installations may be allowed in the Sanctuary if they conform to the management plan: Provided, That construction of these special-use infrastructures shall be subject to EIA and the issuance of ECC by the DENR and approval of the PAMB-LBS: Provided, further, That power lines and telecommunications equipment must not traverse through strict-protection zones and preferably be constructed within the multiple-use zones only. Military installations shall not be constructed of permanent materials and must be covered by a memorandum of agreement with the PAMB-LBS providing for regulation of facilities.

c) Livelihood and Other Economic Activities. – Except as otherwise provided herein, only small fisherfolk inhabitants shall be allowed within the multiple-

use or buffer zones of the Sanctuary to engage in livelihood and economic activities, in conformity with the management plan and subject to the terms and conditions imposed by the PAMB-LBS.

The PAMB-LBS, upon recommendation of the Superintendent, when findings show that tabios and other fish production exceeds the maximum sustainable yield, may open certain portions of the multiple-use zones and buffer zones to economic activities which shall be in accordance with the management plan and in all cases use ecologically sustainable methods.

d) Energy and Mineral Use. – Survey for energy and mineral resources within the Sanctuary shall be allowed for the purpose of gathering information on energy and mineral resources: Provided, That such activity is carried out without damage to the area and conducted in accordance with a program approved by the PAMB-LBS. The result of such surveys shall be made available to the public. The PAMB-LBS shall submit such energy and mineral survey findings to the President for recommendation to Congress. Any exploitation and utilization of energy and mineral resources within the Sanctuary shall be allowed only following approval the PAMB-LBS, compliance with the EIA System and other applicable laws, rules and regulations and through a law passed by Congress.

e) Special Activities. – All other activities such as ecotourism and related activities, scientific research, marine life rescue by other agencies, government programs affecting the Sanctuary, and military activities shall be properly coordinated with and approved by the PAMB-LBS.

Section 13. **Integrated Protected Area Fund. – An Integrated Protected Area Fund** shall be created for the Sanctuary for purposes of financing projects and activities provided in the Management Plan. For this purpose, the PAMB-LBS may solicit and receive donations, endowments and grants in the form of contributions: Provided, That donations generated by the PAMB-LBS shall accrue to the Sanctuary for its use. A minimum of five percent (5%) of the total amount shall be remitted to the Integrated Protected Areas Fund of the DENR.

Disbursement from the Sanctuary trust fund shall be made solely for the protection, maintenance, administration and management of the Sanctuary, and duly approved projects by the PAMB-LBS in accordance with the guidelines developed by the PAMB-LBS for the purpose.

All income generated within the Sanctuary shall accrue to the trust fund and may be utilized directly by the PAMB-LBS for the above purpose. These incomes shall be derived from taxes from the permitted sale and export of flora and fauna and other resources of the Sanctuary; proceeds from the lease of multiple-use or buffer zone areas; contribution from industries and facilities directly benefiting from the Sanctuary; and such other fees and incomes derived from the operation of the Sanctuary.

The initial Sanctuary trust fund for the operation of the initial activities and projects provided in the management plan shall be FIVE MILLION PESOS (P5,000,000.00).

Section 14. **Prohibited Acts.** – The following acts are prohibited within the Sanctuary:

a) Hunting, destroying, disturbing or mere possession of any marine resources or products derived therefrom without a permit from the PAMB-LBS;

b) Dumping or otherwise disposing of any waste products detrimental to the Sanctuary or to plants, animals or inhabitants therein;

c) Use of any motorized equipment without a permit;

d) Mutilating, defacing or destroying objects of natural beauty or ecological importance found within the Sanctuary;

e) Mineral or energy exploration or any entry into the Sanctuary which has a tendency to damage its ecological balance;

f) Constructing or maintaining any kind of structure, fence or enclosures and conducting any business enterprise without a permit; and

g) Altering, removing, destroying or defacing boundary marks or buoys.

Section 15. **Penalties**.- Any person found guilty of any of the offenses enumerated above shall be punished with fine in an amount not less than Five Thousand Pesos (P5,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00), exclusive of the value of the things damaged, or imprisonment of not less than one (1) year and not more than six (6) years, or both, as determined by the court. Prohibited acts mentioned in paragraph (a) of Section 14 of this Act shall be punished with penalties imposed under Articles 309 and 310 of the Revised Penal Code. If the Sanctuary requires rehabilitation and restoration as determined by the court, the offender shall be required to restore or compensate for the restoration of the damage. The court shallorder the forfeiture of all mineral, flora or fauna collected or removed, including all equipment, devices and firearms used in connection therewith, and any construction or improvements

made thereon by the offender. If the offender is an association or corporation, the president or manager shall be responsible for the act of his/her employees and laborers.

Section 16. **Appropriations**. – The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

Section 17. **Separability Clause**. – If any part of this Act shall be declared unconstitutional, such declaration shall not affect the other parts or sections hereof.

Section 18. **Repealing Clause**. – All laws, presidential decrees, executive orders, and rules and regulations inconsistent with the provisions of this Act shall be deemed repealed or modified accordingly.

Section 19. **Effectivity**.- This Act shall take effect Fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,