

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1379

INTRODUCED BY HON. GLENDA B. ECLEO

EXPLANATORY NOTE

The proposed measure seeks to establish the Islands of Siargao and Bucas Grande as a protected area, pursuant to the collective demands and clamor of the officials and constituencies of the covered islands.

Siargao Island, in the First Legislative District of Surigao del Norte, is one of the ten (10) selected sites under the Conservation of Priority Protected Area Project (CPPAP), a project which emerged pursuant to the provisions of Republic Act 7586, otherwise known as the "National Integrated Protected Areas System (NIPAS) Law", aimed at biodiversity conservation and sustainable development.

The CPPAP covers 10 priority areas all over the Philippines and one of these is Siargao island which include the Bucas Grande Island in Surigao del Norte. This was proclaimed as a protected area on October 10, 1996 by virtue of Presidential Proclamation 902 and was categorized as Siargao Island Protected Landscapes and Seascapes (SIPLAS)

As defined in NIPAS Law, Protected Landscapes and Seascapes are areas of national significance characterized by 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 areas.

Siargao Island was chosen as one of the priority protected areas primarily due to its important bio-physical features which are vital for the propagation of many wildlife species. Among which are: (1) Extensive expanse of mangrove forest covering 8,670 hectares; (2) fringing coral reefs and numerous lagoons with unique faunal assemblage; and (3) endemic species of birds, mammals, and flowering plants in the terrestrial ecosystem.

The varied habitat types and associated forms of the island are significantly considered as to its conservation importance and sustainability.

Siargao's 2,036 hectares of forest land consists of mixed Dipterocarp forest which serve as home to hundreds of wildlife species such as Philippine Tarsier, Philippine Cockatoo, Flying Lemur and variety of avian species. Dipterocarp species of white lauau and yakal dominates in the upland. And it takes pride of being one of the habitats of ironwood "Mancono" (*Xanthosthemum verdogonianus*) in the Philippines.

The mangrove seagrass and mudflats are the habitats and feeding ground of migratory waders, waterbirds and mangrove-associated organisms. The coral reef serves as spawning ground of reef-associated fishes.

The island also endows natural and scenic attractions. It is an area of white sand beaches, hidden lagoons, enchanting caves, karst scenery and magnificent rock formations.

Such that, basing on the aforementioned dominant features, Siargao Island favorably falls in the category defined under the said NIPAS Law.

The proposed measure, therefore, intends to: (1) protect, conserve and rehabilitate natural habitats and their associated biodiversity, resources and landscape values; (2) organized and empower communities and enable them to participate actively in PA management; (3) develop, promote and manage sustainable alternative livelihood systems; (4) inform, educate and raised the ecological consciousness of all stakeholders in the island; (5) ensure that SIPLAS laws and policies are effectively enforced.

The immediate passage of this bill is most earnestly requested.



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AN ACT
TO ESTABLISH THE ISLAND OF SIARGAO AND BUCAS
GRANDE AS A PROTECTED AREA, 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:

CHAPTER I
INTRODUCTORY PROVISIONS

SECTION 1. *Title.* - This act shall be known as the "**SIARGAO ISLANDS PROTECTED LANDSCAPES ACT 2001**".

SEC. 2. *Declaration of Policy.* - The importance of Siargao as a habitat for endangered species, a mangrove reserve and an Eco-tourism Area, behooves the State to undertake steps for its protection and conservation. It is, therefore, declared the policy of the State to ensure the protection and conservation of Siargao Island, its biodiversity, the communities residing therein, their culture, the way of life insofar as these are in harmony with nature. In so doing, the state shall:

a) Preserve sample ecosystem in its natural state in lowland, evergreen forest, mangrove, marine lakes, pristine coral reef, complex seagrass beds;

b) Preserve genetic resources and to maintain resources and ecological diversity such as, but not limited to, Salt Water Crocodile, Green Sea Turtle, Tarsier, Dolphin, Dugong-Dugong (Sea Cow), Sea Eagle, Brahminy Kite, Rufous Hornbill;

c) Provide education, research, and environmental monitoring, recreation, and tourism, and alternative economic opportunities to sustainably optimize the use of resources;

d) Foster partnership between government, non-government and people's organizations.

SEC. 3 Scope. - The SIARGAO ISLAND PROTECTED LANDSCAPES AND SEASCAPES shall cover the islands of Siargao and Bucas Grande and the municipalities of Burgos, Dapa, Del Carmen, General Luna, Pilar, San Benito, San Isidro, Sta. Monica and Socorro and all lands and waters within the boundaries fixed as follows:

Tie Point: BLLM No. 1, CAD 789D with Geographic Location of 9° 47'00.58"N 128° 29'23.669"E is situated at Barangay No. 1 - General Luna, Surigao del Norte:

Technical Description:

STATION		BEARING	DISTANCE	CONTROL
Tie	Point	N15° 0'00"E	37,000.00m	to corner
1	- 2	S05° 9'19"E	30,659.91m	1
2	- 3	S41° 3'04"W	19,167.65m	2
3	- 4	N70°0'09"W	21,474.56m	3
4	- 5	N84°4'16"W	15,184.74m	4
5	- 6	N36°0'10"W	16,461.03m	5
6	- 7	N28°0'03"W	16,500.00m	6
7	- 8	N39°2'56"W	21,716.48m	7
8	- 9	N55°0'03"E	22,650.00m	8
9	- 10	N46°0'00"E	23,000.00m	9
10	- 11	S59°0'12"E	15,981.10m	10
11	- 12	S21°7'30"E	31,255.88m	11

The foregoing boundaries cover an approximate area of 278,914.131 hectares. Any modification to the foregoing boundaries shall only be made through an Act passed by Congress after full consultation with the Protected Area Management Board, affected public, local government units and concerned government agencies.

SEC. 4. Definition of Terms. - for purposes of this Act the following terms and phases shall mean as follows:

Biodiversity - refers to the variety and variability among all living organism and the ecological complex in which they occur.

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 its derivatives such as blood, oils, resin, gum, seed, spores, pollen, oil, honey, beeswax and the like.

Biodegradable - refers to objects which are capable of being broken down, as a compound, by bacterial action or capable of decomposition by natural means.

Collection or collecting - refers to the act of gathering or harvesting wild flora and fauna species, its by-products or derivatives.

Commercial Facilities - refers to the conduct of business whether private or governmental by natural or artificial persons with the purpose of securing an economic or resource surplus not needed for immediate subsistence.

Commercial fishing - refers to fishing by passive or active gear for trade, business or profit beyond subsistence, utilizing fishing vessels of more than 3 gross tons.

Conservation - refers to the conduct of business whether private or governmental by individual or by groups with the purpose of securing an economic or resource surplus not needed for immediate subsistence.

Eco-System - refers to the community of plants and animals, and their physical environment, and the interactions between them.

Exotic Species - refers to species or subspecies, which do not naturally occur within the country or within the biogeographic region of the Philippines, which the protected area is situated within.

Fish and fishery/Aquatic Products - includes all fishes and other aquatic animals such as mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.

Fishing - the taking of fish, aquatic products or any aquatic flora and fauna from their wild state or habitat, with or without the use of fishing vessels.

Fishing vessel - any boat, ship, or other watercraft equipped to be used for fishing or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.

Forest Products - refers to include timber, pulpwood, firework, 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.

Liba-Liba - refers to a fishing gear, or any variation thereof, consisting of a conical shaped net with a pair of wings, the end of which are connected to two ropes with buri, plastic strips or any similar material to serve as scaring or herding device with hauling ropes passing through a metallic ring permanently attached to a tom weight (linggote) when hauled into a fishing boat. Also known as hulbot-hulbot or bira-bira in other vernaculars.

Management Plan - subject to Section 5 hereof, refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to this Siargao Protected Landscapes and Seascapes in order to attain the objectives of this Act as stated in Section 2 and shall include successors plans.

Marginalized Fisherfolks - refers to fisherfolks who engage in fishing with or without the use of fishing vessels or non-motorized or motorized fishing vessels powered by a single engine sixteen (16) horsepower or less.

Muro Ami - refers to fishing gear used in reef fishing which consists of a movable bag net and two detachable wings effecting the capture of fish by spreading the net in arc form around reefs or shoals and with the aid of scaring devices, a cordon of fishermen drive the fish from the reefs toward the bag portion of the whole net.

Non-Government Organization - refers to non-stock, non-profit organizations with qualifications, expertise and objectivity in activities concerning community organizing and development, or resource and environmental conservation, management and protection related to the protected area.

Non-Renewable Resources - refers to those resources found within the Protected Area, the natural replenishment rate of which is either not known or takes more than 25 years.

People's Organization - refers to a group of people which may be an association, cooperative, federation, 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.

Protected Area - refers to the area within the scope of the Siargao Protected Landscapes and Seascapes as provided in Section 3 hereof.

Protected/Endangered Species - refers to any of the following species: Fauna- Crocodile, Green Sea Turtle, Philippine Tarsier, Monitor Lizard, Dolphin, Sea Cow, Wattled Broadbill, Brahminy Kite, Sea eagle, Rufous Hornbill, Katujo. Flora- Dipterocarp species, mancuno (Iron Wood) Fire Orchids, Pitcher Plant, Maribojoc Pine. Includes other species as may be covered by Appendix I and II of the Convention on International Trade of Endangered Species and as may be declared or provided by laws, international treaties, administrative orders and rules and regulations of any concerned government agency.

Protected Area Permit/License/Authority - refers to a limited term privilege or authority duly granted to a natural or artificial person, or group of persons to utilize an allowed resource or undertake an allowed activity within the protected area, by the Protected Area Management Board, Protected Area Superintendent or any entity duly authorized to grant the same.

Secretary - refers to the secretary of the Department of Environment and Natural Resources.

Successor Plan - subject to Section 6 hereof, refers to subsequent management plans which shall guide all activities relating to this Siargao Protected Landscapes and Seascapes.

Superlight - also referred to as magic light, is a type of light using halogen or metal halide bulb, which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.

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 the future Filipino generations.

Tenured Migrants - refers to individuals and households who have actually and continuously occupied such public lands which are not alienable and disposable within the protected area since October 10, 1991 or earlier and are substantially dependent on the protected area for their livelihood.

Timber - refers to wood having an average diameter of at least 15 centimeters and a length of at least 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 species regardless of size.

CHAPTER II PROTECTED AREA MANAGEMENT

SEC. 5. *Management Plan.* - The Protected Area Superintendent Office shall prepare the management plan in consultation with the appropriate offices of the DENR, local government units, local communities, concerned government units and experts who may extend their services. The Management Plan shall be reviewed, approved and adopted by the Protected Area Management Board and verified and certified to by the Secretary, within one (1) month from submission, that the plan conforms with all laws, rules and regulations issued by the DENR. In case of any inconsistency with existing laws, rules and regulations, the Secretary shall identify the inconsistency but still certify the consistent portion thereof or if acceptable, the Secretary shall exempt the management plan from applicability of the particular rules and regulations it is inconsistent with. The Protected Area Management Board may revise or modify the identified inconsistent parts of the management plan.

The Management Plan shall serve as the mandatory guide to all activities relating to this Siargao Protected Landscapes and Seascapes in order to attain the objectives stated in Section 2. Within two (2) years from the effectivity of this Act, a Management Plan shall be formulated in accordance with the General Management Planning Strategy provided for under the National Integrated Protected Areas System

Act of 1992 and its implementing rules, regulations and administrative orders. The Management Plan shall contain, among others, the following:

1. the category of the protected area as a protected landscapes and seascapes;
2. period of applicability of the plan preferably at least 5 years;
3. key management issues;
4. goals and objectives of management in support of Sec. 2 hereof;
5. site management strategy;
6. 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;
7. establishment of zones and the regulated and/or prohibited activities therein such as but not limited to multi-purpose use zones, buffer zones, recreational zones, strict protection zones. To avoid relocation, primary consideration shall be accorded to the traditional zones used which has proven to be sustainable and in consonance with the biodiversity and protection of the natural characteristics of the protected area;
8. visitor management programs;
9. livelihood project portfolio and investment plan development

The Protected Area Management Board may delegate to, any person, natural or artificial, in the Management Plan, particular acts, powers, and authority relating to the Management Plan. Such as, but no limited, the power to address unforeseen contingencies or furnish details, in accordance with complete and ascertainable standards provided in the same management plan.

Revisions or modifications of the management plan shall be initiated only through the Protected Areas Superintendent or any member of the Protected Area Management Board and be approved and adopted by the latter, by at least a majority vote, after extensive deliberation. The revisions or modifications shall be reviewed, approved and adopted by the Protected Area Management Board and certified to by the Secretary, within one (1) month from submission, that the plan as revised and modified conforms with all laws, rules and regulations issued by the DENR. In case of any inconsistency with existing laws, rules and regulations, the Secretary shall identify the inconsistency but still certify the consistent portions thereof or if acceptable, exempt the management plan from applicability of the particular rules and regulations it is inconsistent with. The Protected Area Management Board may revise or modify the identified inconsistent parts of the management plan.

SEC. 6. Successor Plans. - The Protected Area Superintendent shall initiate the preparation of all successor plans one year before the expiration of the period of applicability of the plan in effect. The PASu shall cause the radio announcement and

publication of notices to solicit comments and suggestions on the next successor plan in radio stations heard over the protected area and newspapers circulated within the same, as frequently as practicable and as resources will allow, and the posting of such notices in the provincial, municipal and barangay halls and in three other areas frequented by the public on the first month of the last year of effectivity of the current plan. Public hearing may be conducted on the successor plan upon the written request of any interested party. All comments submitted or ventilated must be properly documented and presented for discussion with the Protected Area Management Board. The adoption, revision or modification of the successor plan shall follow the same procedure as provided for the management plan.

The Protected Area Superintendent shall make the proposed successor plan available to the public and receive and document public discussion, comments and suggestions for a reasonable period prior to the possible adoption of the same by the Protected Area Management Board. The finalized plan shall be made available for public perusal at the Protected Area Superintendent Office upon the approval of the Protected Area Management Board.

In the event that no successor plan is approved and adopted upon the expiration of the present plan, the later shall continue to be in effect subject to interim modifications as may be adopted by the Protected Area Management Board.

Unless otherwise specifically provided, nothing in this and the immediately foregoing section shall be construed to limit the power of the Protected Area Management Board to achieve the spirit and objective of this Act in the formulation of the Management and Successor Plans.

The Management and Successor Plans shall be plainly written for easy understanding. It is approved and adopted in a language other than Bisaya or Surigaonon, the same shall be immediately translated to either of the latter and be made readily available for perusal to the general public at the Protected Area Superintendent Office.

SEC. 7 - There shall be a Protected Area Management Board which shall have the sole jurisdiction, power and authority, such as but not limited, to policy making and permit granting, over the protected area for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of:

1. The Regional Executive Director for the CARAGA Region of the Department of Environments and Natural Resources or his/her duly designated representatives as Chair;
2. The local chief executive for each municipality within the protected area or his/her duly designated representative who must be an official of the same municipality, as member;
3. The presiding officer of the Sangguniang Bayan of each municipality, or as otherwise designated by the Sangguniang Bayan, any member of the Sangguniang Bayan of the municipality, as member;

4. The President of the Liga ng mga Barangay of each municipality as member;
5. Maximum of nine (9) representatives from peoples' organizations as member, selected among themselves in a meeting duly called among all people's organizations operating in the protected area for the purpose of selecting Protected Area Management Board representatives.
6. Maximum of seven (7) representatives from non-government as members, selected among themselves in a meeting duly called among all non-government organizations operating in the protected area for the purpose of selecting Protected Area Management Board representatives.
7. The Provincial Planning and Development Officer or, as otherwise designated by the Provincial Governor, an officer of the Provincial Planning and Development Office, as member;
8. The Provincial Tourism Officer or, otherwise designated by the Provincial Governor, an officer of the Provincial Tourism Office, as member;
9. Representatives from government agencies operating within the protected area as may be appointed by the above listed members of the Protected Area Management Board based on their relevance and potential contribution to protected area management, as member; and
10. The Protected Area Superintendent, as ex-officio member;

In the selection of peoples' and non-government organizations representatives, preference shall be accorded to those organization that are involved in the conservation and protection of the protected area and in the field of development work. The representation of non-government and people's organizations shall be institutional and shall endeavor to achieve geographic balance.

Every member of the Protected Area Management Board shall serve for a term of three (3) years subject however to the elected office held, government employment and/or official designation of the local government unit, national agency or peoples' organization or non-government organization representation in the Protected Area Management Board shall, as much as practicable, ensure sufficient representation of all stakeholder interests.

Representation of the local government units and national agencies in the Protected Area Management Board shall include the duty of appraising their respective constituents, office or sector, ensuring consistency between this Act, the Local Government Code, other relevant statutes and ordinances, local and national development plans and projects failure to comply with the foregoing shall subject such representative to disciplinary action as the Protected Area Management Board may provide. Conflicts arising out of jurisdiction, powers and functions, provision between this Act, ordinances, implementing rules, management plans and other statutes shall be harmonized. The local government units and national agencies are mandated to resolve such conflicts within the Protected Area Management Board. If

a conflict between the LGU, national agencies and the protected area management objectives remain unresolved within the PAMB, it shall be resolved through mediation. Any irreconcilable conflicts arising therefrom shall be construed towards achieving the rationale and spirit of this Act in accordance with Section 2 hereof.

SEC. 8. - Powers and Functions of the Protected Area Management Board. -

The Protected Area Management Board, shall have the following powers and functions:

1. Issue all rules and regulations to implement this Act and related laws, rules and regulations with power of delegation.
2. Prohibit and regulate, through protected area permits, acts that may be prejudicial to the protected area and the policy declaration herein set forth.
3. Establish criteria and set fees for the issuance of permits for the activities regulated.
4. Adopt rules of procedure for the conduct of business, roles and responsibilities, and discipline of the board, including the creation of committees to whom its powers may be delegated.
5. Approve, revise or modify the management plan and successor plans.
6. Deputized, train and discipline interested, capable and responsible individuals for the enforcement of the laws, rules and regulations governing conduct in the protected area.
7. Accept donations, approve proposals for funding, budget allocations and exercise supervision and when mandated, accountability over all funds that may accrue to the protected area.
8. Oversee and evaluate the office of the PASu.
9. Identify, verify, and review all tenure instrument, land claims, and issuance of permits for resource use within the protected area and recommend land reclassification and proper use of resources found therein consistent with the zoning provided in the management or successor plans.
10. Accept, review and approve, after establishing criteria, rules and procedures therefor, proposals for projects or activities to be undertaken within the protected area which affects biodiversity conservation, protection and sustainable development.
11. Initiate civil or administrative proceedings, file criminal complaints and take necessary legal action against individuals, associations, corporations or any entity destroying or contributing to the destruction of the protected area, in whatever degree. Such as but not limited to discharge of waste or refuse which may reach the protected area.

12. Participate in all stages of the Environmental Impact Assessment process of projects which may potentially affect the protected area, and in the monitoring thereof.
13. Review, approve or disapprove all projects and activities which may affect the protected area and require the submission of pertinent information thereof and undergo existing environmental impact assessment procedures. The PAMB may also recommend the project or activities which had earlier been not covered by or was exempted from the Environmental Impact Assessment system to undergo the same.
14. Recommended when appropriate, reclassification of forest lands to alienable and disposable public lands consistent with the zoning and management plans and reversion of alienable and disposable public lands founds to have natural growth of flora and fauna and important for biodiversity preservation to inalienable public lands.

The DENR, through the RED, shall exercise authority to oversee the PAMB to ensure that it is acting within the scope of its powers and functions. In case of a contradiction between administrative orders issued by the DENR pursuant to the NIPAS act for national application and the rules and regulations issued by the PAMB, the Secretary of DENR in consultation with the Protected Area Management Board, shall decide whether to apply the rule or withdraw its application to the site.

SEC. 9. *Quorum of the Protected Area Management Board.*- Presence of more than half of the member of PAMB in a meeting duly called in accordance with the rules established pursuant to paragraph 4, Section 9 of this Act shall constitute a quorum for the official conduct of business and enactment of binding decisions. The PAMB en banc shall at a minimum meet on a semi-annual basis.

SEC. 10. - *The Executive Committee of the Protected Area Management Board.* - There shall be an Executive Committee of the Protected Area Management Board who shall possess the powers and functions as may be delegated by the Protected Area Management Board and shall be composed of the following members:

1. The Regional Executive Director for the CARAGA Region of the Department of Environment and Natural Resources or his/her duly designated representative as presiding officer;
2. The Local chief executive for its municipality within the protected area or his/her duly designated representative who must be an official of the same municipality, as member;
3. Four among the peoples' organizations members of the Protected Area Management Board, as identified in paragraph 5, section 7 of this Act selected among themselves, as member;

4. Two among the non-government organizations members of the Protected Area Management Board, as identified in paragraph 6, section 7 of this Act elected among themselves, as member;
5. Either one between the Provincial Planning and Development Officer or the Provincial Tourism Officer as designated by the Provincial Governor, as member;
6. One among the national government agencies member of the Protected Area Management Board, as identified in paragraph 9, section 7 of this Act as designated by the PAMB, as member;
7. The Protected Area Superintendent as ex-officio member.

Membership in the executive committee shall be co-terminous with membership in the Protected Area Management Board.

SEC. 11. - *Quorum of the Executive Committee of the Protected Area Management Board.* - Presence of more than half of the members of Executive Committee of the PAMB in a meeting duly called in accordance with the rules established pursuant to paragraph 4, Section 9 of this Act shall constitute a quorum for the official conduct of business and binding decisions.

SEC. 12. - *The Protected Area Superintendent Office* - There shall be Protected Area Superintendent Office within the Department of Environment and Natural Resources for the Siargao Island Protected Landscapes and Seascapes headed by a Protected Area Superintendent who shall serve as the Chief Operating Officer of the protected area. The Protected Area Superintendent Office shall have the following powers and functions:

1. Prepare the management and successor plans as herein provided;
2. Serve as the Secretariat for the PAMB with the duty to provide the PAMB with all the information necessary for it to make appropriate decisions when necessary;
3. Hire and supervise the necessary personnel to support operations as the budgets 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 protected area, 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 protected area, institute and file legal action independently or in collaboration with other government agencies or organizations and assist in the prosecution of offenses committed in violation of this Act.

7. Monitor all activities within the protected area for conformity with the management plan;
8. Issue protected area permits according to terms, conditions and criteria established by the protected Area Management Board;
9. Perform such other functions as the PAMB may assign.

The Protected Area Superintendent Office shall, subject to adjustments by the Protected Area Management Board and Department of Environment and Natural Resources, at least be composed of the following:

1. Protected Area Superintendent
2. Assistant Protected Area Superintendent
3. Administrative Staff

One (1) Administrative Officer II
 One (1) Accountant I
 One (1) Cashier
 Two (2) Clerks
 One (1) Driver
 Two (2) Pumpboat Operator
 One (1) Utility Worker

4. Technical Staff

One (1) Chief Ecosystem Management Specialist
 Two (2) Ecosystem Management Specialist II
 One (1) Project Development Officer
 One (1) Sociologist
 One (1) Forester III
 One (1) Marine Biologist I
 Eight (8) Community Development Assistants
 Nine (9) Protected Area Rangers

CHAPTER III

TENURED MIGRANTS AND PRIVATE RIGHTS

SEC. 13. - *Tenured Migrants and Private Rights.* - Tenured Migrants shall be eligible to become steward of portions of lands within allowed and designated zones. The Protected Area Management Board shall identify, verify, and review all tenure instrument, land claims, and issuance of permits for resource use within the protected area and recommend the issuance of the appropriate tenure instrument consistent with the land classification, proper and allowed use of resources found therein the zoning provided the management or successor plans.

Nothing herein shall be construed to mean any diminution of accrued rights earned by tenured migrants. If, however, areas occupied by tenured migrants are designated as zones in which no occupation or other activities are allowed pursuant to the attainment of sustainable development, provision for their transfer to multiple use zones or buffer zones shall be accomplished through just and humane means.

In the event of termination of a tenure instrument for cause or by voluntary surrender of rights, 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 tenured migrant.

All private rights within the protected area shall be protected in accordance with existing law.

CHAPTER IV PROHIBITED ACTS

SEC. 14. *Prohibited Acts.* - The following shall be the prohibitions and penalties applicable to the protected area:

1. The penalties and qualifications prescribed in Art. 309 and 310 of the Revised Penal Code depending on the value of the resources involved in connection with the prohibited act shall be imposed upon any person who;
 - a. Hunts, takes, destroys, disturbs or possesses any wild terrestrial or aquatic plants, animals, flora or fauna or products derived therefrom, within particularly identified regulated or prohibited areas or zones in the protected area including private lands, without the necessary protected area permit, authorization or exemption, as issued or promulgated by the Protected Area Management Board.
 - b. Cuts, gathers, removed or collects timber or any forest products within particularly identified prohibited areas or zones in the protected area including private lands, without the necessary protected area permit, authorization or exemption, as issued or promulgated by the Protected Area Management Board.
 - c. Possesses outside the protected area any timber, forest products, wild terrestrial or aquatic plants, animals, flora or fauna so prohibited by the Protected Area Management Board or products derived therefrom which is ascertained to have been taken from the protected area. It shall be presumed to have been taken from the protected area if the subject plants, animals, flora or fauna is found in possession of person or conveyances that has traveled to the protected area in the past seventy-two (72) hours.
 - d. Engages in mineral exploration or extraction, in whatever scale, within the protected area without the necessary protected area permit or authorization

from the Protected Area Management Board.

- e. Engages in the quarrying of sand, gravel, guano, limestone or any material within the protected area without an environmental clearance certificate duly issued by the DENR and authenticated the Protected Area Management Board.
 - f. Hunts, collects, removes or destroys endangered or protected species, except when collection or removal is for scientific research and is so exempted from this prohibition by the Protected Area Management Board.
 - g. Destroys or causes damage to any coral or other non-living marine resources.
2. A fine or not less than P5,000.00 but not more than P250,000.00 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:
- a. Engages in fishing anywhere within the protected area without the necessary licenses, permits or authorizations required by existing laws, rules and regulations and PAMB regulations. Provided, however, that marginalized fisherfolks may be exempted by the Protected Area Management Board from this license, permit or authorization requirement.
 - b. Engages in fishing with the use of any motorized equipment or superlight within the protected area without the necessary protected area permit, authorization or exemption, as issued or promulgated by the Protected Area Management Board. The owner/operator of the vessel shall be liable as provided herein regardless of knowledge or participation in the illegal act.
 - c. Who operated any vessel beyond three (3) gross tons and drops anchor within areas not specified for anchorage except where there is a danger to life or property which necessitates such act.
 - d. Throws, dumps or causes to be dumped into the sea within the protected area any non-biodegradable material or other substance deleterious to aquatic life. The owner/operator of the vessel shall be liable as provided herein regardless of knowledge or participation in the illegal act.
 - e. Violates any rules and regulations promulgated by the Protected Area Management Board or agreements reached before the PAMB.
3. A fine of not less than P250,000.00 but not more than P500,000.00 and/or imprisonment of not less than five (5) years nor more than twenty (20) years and the restoration and rehabilitation of the damage shall be imposed upon:
- a. Any person and the owner/operator of the vessel who engages in fishing within the protected area with the use of liba-liba, explosives, muro ami, noxious substances, electricity, or similar methods or substances, or with nets below three centimeters (3 cm.) in size from knot to knot when stretched unless used

for fishing of species which by their nature are small but already nature. Provided that the PAMB may make rules and regulations to regulate, restrict or prohibit other activities that may cause destruction or damage. Provided further, if the owner/operator of the vessel is a corporation or partnership, the penalty shall be imposed on the chief executive officer of the corporation or managing partner, respectively. The owner/operator of the vessel shall be liable as provided herein regardless of knowledge or participation in the illegal act.

- b. Destroys or defaces for no useful purpose any natural formation on land or sea within the protected area, provided that a useful purpose is that which is in the management plan or is approved as such by the PAMB prior to the commission on the act.
 - c. Possesses ammonium nitrate, blasting caps or cyanide anywhere within the protected area without the necessary protected area permit, authorization or exemption, as issued or promulgated by the Protected Area Management Board.
4. A fine of not less than P5,000.00 nor more than P500,000.00 and/or imprisonment of not less than one (1) year and not more than five (5) years shall be imposed upon:
- a. Any person, including but not limited to the boat owner, master or operator, acting on his behalf or any fishing vessel who evades, obstructs or hinder any enforcement of this Act, related laws or rules and regulations.
 - b. Any public officer, prosecutor, or officer of the law, who, in dereliction of the duties of his office, shall without legal justification refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of offenses. Conviction of this offenses shall also carry the penalty of perpetual disqualification from public office.
 - c. Any person who shall evade responsibility for criminal acts by disguising a vessel or hiding its registered name or registering a vessel twice under different names. Such acts shall be presumed to be committed with the knowledge of and by the owner with intent to evade responsibility for criminal acts. Failure to prove otherwise shall cause the owner to be similarly penalized as provided herein.

Valuation of the damage for this Act shall take into account biodiversity and conservation considerations as well as aesthetic and scenic valued. Valuation assessed by the DENR or the concerned government agency shall be presumed correct unless otherwise proven by preponderant evidence.

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

All conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices shall be subject to immediate administrative confiscation,

independent of the judicial proceedings, by the Protected Areas Superintendent Office upon apprehension, subject however to due process and substantial evidence. When legal action is however filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices shall, independent of the administrative proceeds, not be released until after a judgment. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the Integrated Protected Area Fund. Procedure for the sale thereof shall promulgate by the Protected Area Management Board.

SEC. 15. *Special Prosecutors.* - Within thirty (30) days from the effectivity of this Act, the Department of Justice shall appoint 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 performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The Protected Area Management Board shall periodically submit an evaluation of the performance of the designated Special Prosecutor to the Department of Justice.

SEC. 16. *Special Counsels.* - The PAMB may retain the services of a competent lawyer to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor and to defend the members of the Protected Area Management Board, Protected Area Superintendent and staff, or person assisting in protection, conservation and sustainable development of the protected area, against any legal action related to their powers, function and responsibilities as provided in this Act or as delegated or tasked by the Protected Area Management Board.

CHAPTER V INTEGRATED PROTECTED AREA FUNDS

SEC. 17. *Integrated Protected Area Funds.* - The Integrated Protected Area Fund shall be for the purpose of financing projects and activities in the protected area to attain the objectives of this Act. The following revenues, the rates of which shall be approved by the Protected Area Management Board shall accrue to the Integrated Protected Area Fund:

1. Resource Use

- a. Permit, license fees and royalties from allowed extraction or use of resources;
- b. Transport permit fees;
- c. Lease rentals of land, resources, facilities and equipment, not tourism related, in allowed areas;
- d. Such other revenues from allowed resources use within the protected area.

The local government unit from where the resource is located and the central Protected Area Fund shall each obtain a twenty-five percent (25%) share, while the local Integrated Protected Area Fund shall obtain a fifty percent (50%) share in the foregoing revenue.

2. Penalties or Damages

- a. Fines, fees and damages, other than those intended for rehabilitation, collected from violators;
- b. Proceeds from the sale of confiscated goods;
- c. Such other proceeds from prohibited or penalized acts.

The local government units and/or peoples' organization, non-government organization, which participated in the enforcement leading to the foregoing proceeds, shall proportionally share among themselves twenty-five percent (25%) of the same. While the local Integrated Protected Area Fund shall obtain a fifty percent (50%) share and the Central Protected Area Fund a twenty-five percent (25%) share in the foregoing proceeds

3. Tourism Related

- a. Entrance fees to identified and developed tourism spots;
- b. Revenues generated from concessions, lease, etc within identified and developed tourism spots.

The local government unit where the tourist spot or facility is located shall obtain a fifty (50%) share in the foregoing revenues. While the Local Integrated Protected Area Fund and Central Protected Area Fund shall each obtain a twenty-five percent (25%) share.

All the foregoing revenues or proceeds shall be exempt from whatever tax, charges or fees. The local government units, Local and Central Protected Area Funds may however opt to apportion to one another in part or in whole revenues or proceeds earmark for them.

CHAPTER VI EXISTING FACILITIES, UTILIZATION OF NON-RENEWABLE RESOURCES, ENVIRONMENTAL IMPACT ASSESSMENT, GO-NGO-PO PARTNERSHIP

SEC. 18. *Existing Facilities within the PA.* - Within ninety (90) days from the effectivity of this Act, all commercial facilities existing within the boundaries of

the protected area with a total capitalization exceeding P1,000,000.00 shall submit to the PAMB through the PASu the following:

1. Environmental Impact Assessment
2. Environmental Compliance Certificate, if any
3. Development Plan, if any

Failure to submit the required information shall constitute a violation of this Act. Based on its submission, the PAMB with the help of the DENR, shall assess such facility and its future plan and operation vis-à-vis the objectives 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 P5,000.00 for every day of violation shall be imposed. Upon reaching a total fine of P500,000.00, regardless of duration, the PAMB, through the PASu and deputizing other government entities shall cause the cessation and demolition of the cost of its owners.

Existing facilities allowed to remain within the protected area may be change a reasonable fee by the PAMB based on the extent of its impact on environment and biodiversity.

SEC. 19. *Utilization of non-renewable resources.* - Any exploration for, exploitation or utilization of non-renewable resources within the protected area shall not be allowed. Energy projects, whether renewable or otherwise, shall be permitted only through an Act of Congress, provided that exploitation of renewable energy up to five (5) megawatts capacity shall be exempt from such requirement but however subject to the Environmental Impact Assessment process, approval by the Protected Area Management Board and such other requirements as it may require.

SEC. 20. *Environmental Impact Assessment System.* - Existing laws, rules and regulations relating to Environmental Impact Assessment shall be applicable to projects and activities intended in the protected area issuance of the corresponding Environmental Compliance Certificate or the exemption thereto shall require the approval of the Protected Area Management Board.

SEC. 21. *Mandating Government, Non-Government Organization and People's Organization Partnership.* - All government agencies, non-government organizations, peoples' organizations and their personnel are mandated to continuously foster and develop a strong and true partnership for the purpose of attaining the objectives of this Act.

CHAPTER VII

APPROPRIATION AND MISCELLANEOUS PROVISIONS

SEC. 22. *Appropriation.* - For the purpose of this Act, there is hereby appropriated the amount of P20,000,000.00, yearly for the first five (5) years of operation after which the JPAF should support PA activities without prejudice to the

possibility of annual appropriations as may be required and sourced from the budget of the DENR.

SEC. 23. *Construction.* - The provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development. Provisions of Republic Act No. 7586, otherwise known as the National Integrated Protected Areas Systems Act and Republic Act No. 8550, otherwise known as The Philippine Fisheries Code of 1998, and existing forestry laws, and their corresponding rules and regulations not inconsistent hereto shall have suppletory effect in the implementation of this Act.

SEC. 24. *Repealing Clause* - All other existing laws, rules and regulations inconsistent with the Act are hereby repealed or modified accordingly..

SEC. 25. *Separability Clause.* - If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or section hereof and shall continue in full force and effect.

SEC. 26. *Effectivity Clause.* - This Act shall be translated in Bisaya or Surigaonon. It shall be published once in a newspaper of general circulation readily available in the protected area. It shall likewise be posted for three consecutive weeks starting on the day of publication in the newspaper in both English and Cebuano or Surigaonon language in a conspicuous place in the provincial, municipal and barangay halls within the area as well as in three other places frequented by the public. Thirty (30) days after the publication and posting, this Act shall have full force and effect.

Approved.