

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

31 JUL 2006
Z. Z. Z.
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THIRTEENTH CONGRESS

Third Regular Session

House Bill No. 5669

Introduced by Honorable ERICO BASILIO A. FABIAN

EXPLANATORY NOTE

This Bill seeks to establish the Great and Little Sta. Cruz Islands in Zamboanga City as a Protected Area under the category of a protected landscape, to be known as the **GREAT AND LITTLE STA. CRUZ ISLANDS PROTECTED LANDSCAPE AND SEASCAPE**.

The **Great and Little Sta. Cruz Islands Protected Landscape And Seascape** and its buffer zones are situated in Zamboanga City, with a total area of 3,425.0 hectares, broken down as follows: 1,548.0 hectares buffer zone and 1,877.0 hectares protected area.

Sta. Cruz Islands are coral islands with existing village, lagoons and old Muslim burial ground. It is also known for its pinkish sand beach, which gets its unique hue from the coral bits, washed up from the sea bottom. Its surrounding marine ecosystem has varied underwater life of coral beds and rocks, which support a great variety of tropical fishes. Aside from those marine lives, the islands have important mangrove and beach type forest resources.

The two Islands of Great and Little Sta. Cruz are more or less four (4) kilometers from the mainland and can be reached within fifteen (15) minutes by motorboat from the city proper of Zamboanga. The City of Zamboanga is only an hour and a half by plane from Manila. Land travel from any point in Mindanao is available.

With the approval of this Protected Area Bill, the Great and Little Sta. Cruz Islands' unique features can be well preserved and managed as a sustainable eco-tourism site. It can also provide high quality experience for visitors and maintain the integrity of the environment on which both the visitors and community depend on.

Section 2 of P.D. 654 provides: " That the entire land and/or any part or portion of these islands are hereby closed to public disposition or alienation in any manner whatsoever and that all pending and unperfected applications of any form for the acquisition of any part thereof, as of the date of this decree are

hereby set aside without prejudice to existing valid private titles if any, which are however, subject to the government power of expropriation through the Philippine Tourism Authority whenever the proper and integrated development of these areas may be so required."

The Great Sta. Cruz Island covers an approximate land area of 380 hectares, and 169.4640 hectares thereof are covered with certificates of title under the names of different individuals and the Republic of the Philippines. All present titles are derivatives of the original certificate of title issued way back in 1913, and are considered valid. Although portions of the area are titled in the name of certain individuals, no actual occupancy or development had been made thereon since the time the Philippine Tourism Authority took over the management and jurisdiction of these two islands.

The islands are initial components of the National Integrated Protected Area System (NIPAS), being subject of a previous proclamation preceding NIPAS, i.e., Presidential Proclamation No. 654, dated February 4, 1975 ("Reserving and Declaring the Sta. Cruz Islands in Zamboanga City as National Park for Tourism Development") and Presidential Proclamation No. 1801, dated November 10, 1978 ("Declaring Certain Islands, Coves and Peninsulas in the Philippines as Tourist Zones and Marine Reserves under the Administration and Control of the Philippine Tourism Authority"). The islands were re-assessed as to suitability as a protected area under NIPAS and later covered under Presidential Proclamation No. 271, approved on April 23, 2000.

Approval of this Bill will provide the **Great and Little Sta. Cruz Islands Protected Landscape And Seascape**, among other things, adequate protection and conservation measures, coordinated management schemes among stakeholders and interest groups, as well as the necessary funding mechanism for sustainability in its operations. Approval of this Bill is a penultimate step required under the NIPAS process for the actual ground survey and delineation of the boundaries of the protected area and the identified management zones.

Similar laws have already been enacted covering natural parks, including the Northern Sierra Madre Natural Park (R.A. 9125); Mt. Kanlaon Natural Park (R.A. 9154); Mt. Kitanglad Range Protected Area (R.A. 8978); Mt. Apo Protected Area (R.A. 9237); and Mt. Malindang Range Natural Park (R.A. 9304).

In view of the above, approval of this Bill is earnestly requested.

ERICO BASILIO A. FABIAN
Zamboanga City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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THIRTEENTH CONGRESS

Third Regular Session

House Bill No. 5669

Introduced by Honorable ERICO BASILIO A. FABIAN

**AN ACT ESTABLISHING THE GREAT AND LITTLE STA. CRUZ ISLANDS IN
ZAMBOANGA CITY AS A PROTECTED AREA UNDER THE CATEGORY OF
PROTECTED LANDSCAPE AND SEASCAPE AND THE PERIPHERAL AREAS
AS BUFFER ZONES, PROVIDING FOR THE MANAGEMENT THEREOF, 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 **Great and Little
Sta. Cruz Islands Protected Landscape and Seascape Act of 2006.**

SECTION 2. *Declaration of Policy.* – Considering the importance of
Great and Little Sta. Cruz Islands Protected Landscape and Seascape's unique
biological resources and its aesthetics, socio-cultural, economic and ecological
importance, it is hereby declared the policy of the State to secure its protection
and conservation including those people and communities residing therein as well
as their way of life. For this reason, the State shall: (a) ensure the protection and
conservation of biodiversity; (b) advance, respect, and protect the customs and
interests of its legitimate inhabitants; and (c) foster partnerships among
government, non-government organizations, and people's organizations.

SECTION 3. *Definition of Terms* – For purposes of this Act, the following terms are defined as follows:

- (a) **"Biodiversity or biological diversity"** refers to the variability among living organisms, including genetic and structural differences, between individuals and within and between species;
- (b) **"Buffer Zone"** refers to identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 of R.A. 7586 (the NIPAS Act) that need special development control in order to avoid or minimize harm to the protected area;
- (c) **"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;
- (d) **"Cultural Zones"** are areas with significant cultural, religious, spiritual or anthropological values where traditional rights exist and ceremonies and/or cultural practices take place;
- (e) **"Environmental Impact"** refers to the Environment Impact Assessment System established under Presidential Decree No. 1586 or supervening legislation;
- (f) **"Integrated Protected Area Fund (IPAF)"** is a trust fund established for purposes of financing projects of the System;
- (g) **"Management Plan"** refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the Great and Little Sta. Cruz Islands in order to attain the objectives of this Act as stated in Section 2 hereof;

- (h) **"Multiple Use Zone"** refers to areas where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the management plan. Land tenure may be granted to tenured residents, whether indigenous or community member migrants;
- (i) **"National Integrated Protected Area System (NIPAS)"** is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein and to maintain their natural conditions to the greatest extent possible;
- (j) **"PAMB"** refers to the Protected Area Management Board;
- (k) **"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;
- (l) **"Protected Area Superintendent (PASu)"** is the Chief DENR Operating Officer of the Protected Area;
- (m) **"Protected Landscape"** refers to areas of national significance which are 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 these areas;
- (n) **"Recreation Zone"** is an area of high recreational, tourism, educational or environmental awareness values where eco-tourism, recreational conservation, education or public awareness activities may be allowed;

- (o) **"Restoration Zone"** refers to areas of degraded habitat where the long term goal will be to restore natural habitat with its associated biodiversity and to rezone the area to a more strict protection level. Initially, natural regeneration will be assisted through such human interventions as fire control, cogon suppression and the planting of native species including indigenous pioneer tree species as well as climax specie. Exotic species (not native to the site) shall not be used in the restoration process. Existing houses and agricultural developments may be allowed to remain initially but would be phased out eventually;
- (p) **"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;
- (q) **"Strict Protection Zone"** is an area with high biodiversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by indigenous communities;
- (r) **"Tenured Migrants Communities"** are communities within protected areas which have been actually and continuously occupied for five (5) years before the designation of the same as a protected area in accordance with the NIPAS Act and are solely dependent therein for subsistence;
- (s) **"Trust Fund"** is an account maintained in any government depository bank for a specific purpose;

- (t) **"Special Use Zones"** are areas containing existing installations of national significance, such as telecommunication facilities, irrigation canals or electric power lines. Such installations may be retained subject to mutual agreements among the concerned parties, provided such installation will not violate any of the prohibitions contained in Section 20 of this Act;
- (u) **"Sustainable Use Zone"** refers to natural areas where the habitat and its associated biodiversity shall be conserved but where consistent with the management plan and with PAMB approval (i) indigenous community members and/or tenured migrants and/or buffer zone residents may be allowed to collect and utilize natural resources, using traditional sustainable methods that are not in conflict with biodiversity conservation requirements; (ii) research, including the reintroduction of indigenous species, may be undertaken; and (iii) park visitors may be allowed limited use. Provided, no clearing, farming, settlement, commercial utilization or other activities detrimental to biodiversity conservation shall be undertaken. The level of allowable activity can be expected to vary from one situation to another;

SECTION 4. *Scope* – The Great and Little Sta. Cruz Islands Protected Landscape and Seascape, including its buffer zone, covers a total area of about Three Thousand Four Hundred Twenty Five (3,425.0) hectares, more or less; its technical description shall be subject to actual ground survey and demarcation.

The Great and Little Sta. Cruz Islands Protected Landscape and Seascape begins at a point marked "1" on the map which is S 18°22' W, 9864.756 meters from FNSP-ZS 71 ASHTECH POINT MONUMENTS:

Thence	N 50°07'00" W	1,196.50 meters	to point 2;
Thence	N 42°07'00" W	1,196.20 meters	to point 3;
Thence	N 01°00'00" W	1,094.70 meters	to point 4;
Thence	N 80°10'00" E	1,810.40 meters	to point 5;
Thence	S 80°25'00" E	1,900.20 meters	to point 6;
Thence	S 27°55'00" E	1,004.40 meters	to point 7;
Thence	S 67°55'00" E	1,602.50 meters	to point 8;

Thence	S 29°54'00" E	1,405.50 meters	to point 9;
Thence	S 01°00'00" W	705.00 meters	to point 10;
Thence	S 54°51'00" W	1,501.40 meters	to point 11;
Thence	S 89°00'00" W	1,394.80 meters	to point 12;
Thence	N 76°03'00" W	1,198.50 meters	to point 13;
Thence	N 31°06'00" W	1,494.20 meters	to point 1; the point

of beginning, containing an area of ONE THOUSAND EIGHT HUNDRED SEVENTY SEVEN AND POINT FOUR HUNDRED NINETY EIGHT (1,877.498) HECTARES, more or less.

The Buffer Zone of the aforesaid Protected Area begins at the point marked "1" on the map which is identical to corner 6 of Great and Little Sta. Cruz Islands Protected Landscape and Seascape:

Thence	S 65°24'00" E	3,622.50 meters	to point 2;
Thence	S 45°22'00" E	2,378.50 meters	to point 3;
Thence	S 35°19'00" W	1,977.50 meters	to point 4;
Thence	S 89°00'00" W	2,802.90 meters	to point 5;
Thence	S 89°00'00" W	2,602.70 meters	to point 6;
Thence	N 49°54'00" W	2,306.00 meters	to point 7;
Thence	N 29°54'00" W	2,007.80 meters	to point 8;
Thence	N 21°53'00" E	1,807.30 meters	to point 9;
Thence	S 01°00'00" E	1,094.70 meters	to point 10;
Thence	S 42°07'00" E	1,196.20 meters	to point 11;
Thence	S 50°07'00" E	1,196.90 meters	to point 12;
Thence	S 31°06'00" E	1,494.20 meters	to point 13;
Thence	S 76°03'00" E	1,198.50 meters	to point 14;
Thence	N 89°00'00" E	1,394.80 meters	to point 15;
Thence	N 54°51'00" E	1,501.40 meters	to point 16;
Thence	N 01°00'00" E	705.00 meters	to point 17;
Thence	N 29°54'00" W	1,405.50 meters	to point 18;
Thence	N 67°55'00" W	1,602.50 meters	to point 19;
Thence	N 27°55'00" W	1,004.00 meters	to point 1, the point

of beginning containing an area of ONE THOUSAND FIVE HUNDRED FORTY EIGHT AND POINT FOUR HUNDRED FIFTY THREE (1,548.453) HECTARES, more or less.

CHAPTER II

PROTECTED AREA MANAGEMENT

SECTION 5. *Management and Institutional Mechanism* – The management and administration of the Great and Little Sta. Cruz Islands Protected Landscape and Seascape shall be consultative and participatory. The sole policy-making body is vested with the Protected Area Management Board (PAMB), chaired by the DENR Regional Executive Director of Region IX. Within the PAMB, there will be an Executive Committee (EXECOM) to which the PAMB may delegate certain of its powers and functions. The PAMB may also create other committees.

The Protected Area Superintendent (PASu) is the DENR chief operating officer of the entire area and its buffer zones.

SECTION 6. *The Protected Area Management Board* – The Protected Area Management Board (PAMB) shall be composed of the following:

- (a) The Regional Executive Director (RED) of DENR, Region IX, *ex officio*, who shall sit as PAMB Chairman, as provided for under Section 11 (d) of the NIPAS Act;
- (b) The Mayor of Zamboanga City or his/her duly designated representative;
- (c) The chairman of the Committee on Natural Resources and Environmental Protection of the Sangguniang Panlungsod of Zamboanga City;
- (d) The City Agriculturist of Zamboanga City;
- (e) The Environment and Natural Resources Officer of Zamboanga City;
- (f) The Barangay chairman in Zamboanga City whose territorial jurisdiction includes the protected area;
- (g) One representative from the Zamboanga State College of Marine Science and Technology (ZSCMST).
- (h) One representative from the Philippine Tourism Authority (PTA);
- (i) One representative from the Bureau of Fisheries and Aquatic Resources;

- (j) One representative from the Philippine Coast Guard;
- (k) One representative from the Philippine Navy;
- (l) One representative from the Philippine Maritime Police;
- (m) One representative from "Task Force Zamboanga";
- (n) One representative from the tribal group based at the Sta. Cruz Islands; and
- (o) Three (3) representatives from Zamboanga City-based non-government organizations (NGOs) and community organizations, including People's Organizations (POs), church or civic organizations, with interests within the protected area.

In the selection of representatives from POs and NGOs, the following criteria shall be primarily considered:

- (a) Active involvement in the ecological conservation, preservation, rehabilitation and protection of the islands;
- (b) Good potential in community organizing and other development works;
- (c) Favorable track record in community work; and
- (d) Duly accredited by the city government of Zamboanga and the DENR.

SECTION 7. *Term of Office of the PAMB Members* – Except for government officials who shall serve *ex-officio*, every member of the PAMB shall be appointed by the DENR Secretary and shall serve for a term of five (5) years without compensation, provided that he/she remains connected with the organization he/she represents. Whenever a vacancy occurs during the term of a non-government PAMB member, a new member shall be chosen in the same

manner as the original selection process, provided, that he/she shall only serve for the remaining term.

The PAMB members shall be entitled to reimbursement of actual and necessary traveling and subsistence expenses incurred in attending meetings of the PAMB or any of its committees, subject to government accounting, auditing, and budgeting rules and regulations, and subject further to the availability of funds as reflected in the Work and Financial Plan (WFP) as required in accessing of funds in the Integrated Protected Area Fund (IPAF).

SECTION 8. *Duties and Functions of PAMB.* – The PAMB is the highest policy-making body of the Great and Little Sta. Cruz Islands Protected Landscape and Seascape, and shall have the following powers and functions:

- (a) Approve or decide on all matters related to or based on the approved management plan, proposals, work and action plans, resource protection, delineation and demarcation of protected area boundaries, buffer zones, ancestral domains, recognition of rights and privileges, and guidelines and policies for the management and conservation of the protected area;
- (b) Review and adopt the protected area's Management Plan and development program and their implementing rules and regulations, and ensure strict compliance therewith;
- (c) Control and regulate the construction development, maintenance of facilities and utilities, roads, trails, waterworks, sewerage, fire protection and sanitation systems within the protected area;
- (d) Control and supervise the office of the PASu and monitor and evaluate the performance of the protected area personnel, NGOs, and communities involved in conservation and development;

- (e) Issue all necessary permits within the Great and Little Sta. Cruz Islands Protected Landscape and Seascape including its buffer zones, and collect reasonable fees therefor, in accordance with the management plan and consistent with the conservation and protection of the protected area. The PAMB may delegate this authority to the PASu under proper guidelines;
- (f) Deputize, through the EXECOM, individuals for the enforcement of all laws, rules, and regulations governing conduct within the protected area and its buffer zones, and prescribe the qualifications therefor;
- (g) Accept donations and grants and approve proposals for funding and budget allocation and exercise accountability over all funds that may accrue;
- (h) Coordinate with the appropriate agencies of the government, local or national, on all matters related to the protection and conservation of the protected area and its buffer zones, and request for their assistance, of whatsoever nature, for the purpose;
- (i) Retain a legal counsel, either on permanent, temporary, or part-time basis, to defend cases against the PAMB, the PASu office and staff, and deputized individuals whenever they are sued in connection with the performance of their duties under this Act, and to assist the PAMB on all legal matters; and
- (j) Adopt rules and procedures for the conduct of business, including the creation of committees, to which certain powers of the PAMB may be delegated.

The DENR, through the Regional Executive Director of Region IX, shall ensure that the Protected Area Management Board (PAMB) 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 rules and regulations or resolutions issued by the PAMB, the DENR Secretary shall decide whether or not to allow such rule, regulation, or resolution.

Section 9. *The Executive Committee (EXECOM) of the PAMB.* –

There shall be an Executive Committee to be created by the PAMB, to which the PAMB may delegate specific duties and functions. It shall be composed of the DENR Regional Technical Director for Protected Areas, Wildlife and Coastal Zone Management Service (PAWCZMS) of Region IX as Chairman, and six (6) members of the PAMB, to be designated by the PAMB, as follows: (1) The Mayor of Zamboanga City or his representative; (2) The representative of the Philippine Tourism Authority (PTA); (3) The Barangay chairman whose area of jurisdiction covers the protected area; (4) One representative each from the NGO's and stakeholders.

The PAMB *en banc* shall hold regular meetings at least once every quarter of the year. The EXECOM shall meet on a regular basis as may be necessary or proper.

SECTION 10. *The Office of the Protected Area Superintendent (PASu)* – There shall be a Protected Area Office (PAO) in the Great and Little Sta. Cruz Islands headed by the Protected Area Superintendent (PASu) who shall serve as the DENR chief operating officer at the site and head secretariat of the PAMB. The PASu shall be directly responsible to the PAMB and the DENR Regional Executive Director (RED) of Region IX, and shall have the following powers and functions:

- (a) Prepare the management plan and its successor plans as herein provided;

- (b) Serve as secretariat to the PAMB with the duty to provide the PAMB with all the information necessary to make appropriate decisions for the implementation of this Act;
- (c) Supervise the necessary personnel to support operations as the budget may allow;
- (d) Establish a productive partnership with local communities, including groups supporting the achievement of the goals and objectives of this Act;
- (e) Develop and implement protected area information, education and visitor programs;
- (f) Enforce the laws, rules and regulations and PAMB resolutions relevant to the protected area and its buffer zones, and assist in the prosecution of offenses;
- (g) Monitor all activities within the protected area and its buffer zones in conformity with the management plan; and
- (h) Perform such other functions as the PAMB may assign.

The PASu, who shall come from the DENR, Region IX, shall perform day-to-day management and protection activities within the protected area. He shall be supported by the following staff members designated and detailed by the DENR Regional Director of Region IX:

- (a) Two (2) Registered Foresters;
- (b) Eight (8) Forest Guards;
- (c) Three (3) Utility Workers;
- (d) Two (2) Ecosystems Management Specialists;
- (e) One (1) Community Development Officer;
- (f) One (1) Administrative Officer;

- (g) One (1) Records Officer; and
- (h) One (1) Cartographer.

SECTION 11. *Management Plan* – Within one (1) year from the effectivity of this Act, the Protected Area Superintendent shall prepare a sufficiently flexible Management Plan in accordance with the General Management Planning Strategy (GMPS) in coordination with the appropriate offices of the DENR, local communities, the city government of Zamboanga, NGOs, other government agencies, and available experts with socio-environmental, economics, and ecological experience in the area. The plan shall contain, among others, the following:

- (a) The preferred period applicability, at least for ten (10) years, subject to periodic review as determined necessary by the PAMB;
- (b) The analysis of key management issues and problems considered as threats to conservation, management and maintenance, including the impact on the important features of the area;
- (c) Broad, long-term vision which takes the form of goals, and a "vision statement", including guiding policies for management, sets of objectives, and specific statements on what management can achieve within the timeframe of the plan;
- (d) Site management strategies;
- (e) Zoning plan to illustrate the boundaries, classification and management and other activities allowed or prohibited for each zone;
- (f) Management programs to include enforcement of laws, habitat and wildlife management, eco-tourism, sustainable

use of resources, infrastructure development and maintenance, fire prevention and pest control;

- (g) Mechanisms for protection of tenured migrants in the exercise of their rights;
- (h) Sustainable and non-destructive livelihood activities; and
- (i) Regulations in furtherance of the preservation and conservation objectives, such as the scheme in the issuance of permits and rules on the restrictions of resource-use.

The management plan shall be reviewed and adopted by the Protected Area Management Board and certified by the DENR Secretary that it conforms to all laws, rules and regulations issued by the DENR. In no case shall the management plan be revised or modified without prior approval of the PAMB and in accordance with the procedures herein set forth.

One (1) year before the expiration of the management plan, the office of the PASu shall prepare a successor management plan in the same manner as the procedure and principles herein set forth and in accordance with the General Management Planning Strategy (GMPS). In the same period, the PASu shall cause the publication of a notice for comments and suggestions on the successor plan in a newspaper of local circulation and the posting of such notice at the Zamboanga City Hall, the barangay hall of the barangay whose territorial coverage includes the Great and Little Sta. Cruz Islands, and in three (3) other conspicuous places frequented by the public within the protected area. At least two public hearings shall be conducted on the successor plan.

The management plan shall be in English and Chabacano, plainly written and available for public perusal at the office of the PASu.

SECTION 12. *Management Zoning* – Zones shall be established in the Great and Little Sta. Cruz Islands Protected Landscape and Seascape to provide protection for critical or representative habitats within which similar management

emphasis is applied and comparable level of use permitted while different uses segregated. It shall be demarcated on the ground and indicated on maps after undertaking such steps as community, land and resource-use mapping and dialogue with the participation of communities, the city government of Zamboanga, and other stakeholders. Within each zone, management prescriptions shall be reasonably uniform but may differ in type or intensity from those in other zones in order to accommodate multiple objectives.

CHAPTER III

TENURED MIGRANTS

SECTION 13. *Tenured Migrants* – Any person who had been actually and continuously occupying a portion of the protected area for five (5) years prior to the proclamation of the Great and Little Sta. Cruz Islands Protected Landscape and Seascape (Proclamation No. 271, dated April 23, 2000) under the NIPAS Act and is solely dependent on the protected area for subsistence shall be considered a tenured migrant. The area is an initial component pursuant to Section 5 (a) of the NIPAS Act.

As a Tenured Migrant, he or she shall be eligible to become a steward of a reasonable portion of land within the multiple use or buffer zones of the protected area from which he may derive subsistence. Provided, however that those migrants who do not qualify within the category of Tenured Migrants shall be resettled outside the protected area.

The PAMB shall review all tenure instruments, land claims, or permits issued for resource use within the protected area, if any, and recommend the issuance of appropriate tenure instruments consistent with the management or successor plans. Those who have been cultivating land within the protected area are considered to be occupying such lands and shall be entitled to tenure instruments limited to cultivation and residence. Provided, that the rights under such can only be transferred to direct descendants.

Nothing herein shall be construed to mean any diminution of accrued rights earned by tenured migrants. If areas occupied by tenured migrants are designated

as zones in which no occupation or other activities are allowed, they shall be transferred to multiple-use or buffer zones to be undertaken through just and humane means.

In the event of termination for cause of a tenure instrument or by voluntary surrender of rights, the Protected Area Superintendent shall take immediate steps to rehabilitate the area in order to return it to the natural state prior to the cultivation or other act by the tenured migrant.

Section 14. *Existing Rights.* – All verified property and private rights within the protected area and its buffer zones already existing and/or vested upon prior to the effectivity of this Act shall be protected and respected in accordance with existing laws.

CHAPTER IV

PROHIBITED ACTS AND PENALTIES

SECTION 15. *Special Prosecutor* – Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations in the protected area shall be assigned. The special prosecutor shall coordinate with the PAMB and the Protected Area Superintendent in the performance of his/her duties and assist in the training of park personnel in arrest and criminal procedures. The PAMB shall periodically submit to the DOJ an evaluation on the performance of the special prosecutor.

SECTION 16. *Prohibited Acts* – Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within the protected area:

- (a) Hunting, destroying, disturbing or mere possession of any plants or animals and the products derived therefrom without a permit from the Protected Area Management Board;
- (b) Dumping of any waste products or any form of activity detrimental to the protected area, or to the plants and animals or inhabitants therein;
- (c) Use of any vehicles or equipments within prohibited areas without a permit from the PAMB;
- (d) Mutilating, defacing or destroying of objects of natural beauty, or objects of interest to cultural communities;
- (e) Damaging and leaving roads and trails in a damaged condition;
- (f) Squatting, mineral exploration, or otherwise occupying any portion of land;
- (g) Constructing or maintaining any kind of structure, fence or enclosures, or conducting any business enterprise without permit from the PAMB; and
- (h) Altering, removing, or destroying or defacing boundary marks or signs.

SECTION 17. *Penalties* – Any person found guilty of any offense enumerated above shall be fined in an amount of not less than Five Thousand Pesos (P 5,000.00) nor more than Five Hundred Thousand Pesos (P 500,000.00), exclusive of the value of the thing damaged, and/or imprisonment of not less than one (1) year but not more than six (6) years, as determined by the court. Provided, that if the area requires rehabilitation or restoration, as determined by the court, the offender shall also be required to restore or compensate for the

restoration cost of the damage; Provided further, that the court shall order the eviction of the offender from the land and the forfeiture in favor of the government of all mineral, timber or any species collected or removed including all equipments, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers. Provided finally that, for such offenses, the DENR may conduct separate administrative proceedings against the offender and impose the corresponding fines and penalties in accordance with law.

CHAPTER V

PROTECTED AREA FUND

SECTION 18. *Integrated Protected Area Fund (IPAF)* – There is hereby established a trust fund known as the Integrated Protected Area Fund (IPAF) to ensure sustained financing of the protected area operations. The funds for the IPAF will come from, among other things, donations, contributions from industries and facilities directly benefiting from the protected area, and collections from user fees, such as proceeds from lease of multiple use areas and fees from the permitting system. Likewise, the PAMB shall develop a user fee policy that will specify sharing of the proceeds between the city government of Zamboanga and the PAMB.

The fund may be augmented by grants, donations, and endowment from various sources, domestic or foreign, for purposes related to their functions. *Provided*, that the fund shall be deposited as a special account in the national treasury and disbursement therefrom shall be made solely for the protection, maintenance, administration, and management of the system, and duly approved projects endorsed by PAMB in accordance with existing accounting and budgeting rules and regulations.

CHAPTER VI
EXISTING FACILITIES, UTILIZATION OF RESOURCES,
ENVIRONMENTAL IMPACT ASSESSMENT, AND PARTNERSHIP WITH
OTHER AGENCIES

SECTION 19. *Existing Facilities within the Protected Area* – Existing facilities, if any, within the protected area shall be inventoried and assessed by the PAMB in accordance with the objectives of this Act. Within thirty (30) days from the effectivity of this Act, unless extended by PAMB, all commercial facilities existing within the boundaries of the protected area with a total capitalization of not less than One Hundred Thousand Pesos (P100,000.00) shall submit to the PAMB, through the PASu, a sworn statement containing the following information:

- (a) Environmental Impact Assessment and/or Environmental Management Plan;
- (b) Environmental Compliance Certificate; and
- (c) Development Plan.

Failure to submit the required information shall constitute a violation of this Act. Based on these submissions, the PAMB, with the assistance of the DENR, shall determine whether the existence of such facilities and their future plans and operations are detrimental to the protected area.

The PAMB may prescribe conditions for the operation of the facilities to ensure that they do not conflict with the management objectives. If any such conditions are violated, a fine shall be imposed as prescribed by the PAMB. The PAMB, through the PASu or other deputized government entities, is authorized to cause the immediate cessation and demolition of any facility within the protected area whose continued operation is deemed detrimental to said area, with the cost to be borne by their owners/operators.

The removal of existing facilities which provide basic services and amenities to the public shall require the concurrence of the city government of Zamboanga consistent with the responsibility of the local government to its constituents.

Existing facilities remaining within the protected area may be charged reasonable fees by the PAMB, subject to DENR approval, pursuant to Section 10(f) of the NIPAS Act based on the extent of their impact on the environment and biodiversity. All incomes derived from such fees shall accrue to the IPAF.

SECTION 20. *Utilization of non-renewable resources* – Any exploration, exploitation or utilization of non-renewable resources within the protected area shall not be allowed.

SECTION 21. *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. The issuance of the Environmental Compliance Certificate or its exemptions shall be coordinated with the PAMB.

SECTION 22. *Partnership among Government, Non- Government Organizations and People's Organizations*. – For the purpose of attaining the objectives of this Act, all Government, Non- Government Organizations and People's Organizations and their personnel shall continuously foster and develop a strong and true partnership.

All Non- Government Organizations, People's Organizations and private entities implementing any conservation, protection and development programs must be accredited by the city government of Zamboanga and the DENR.

SECTION 23. *Roles of the Local Government Unit and National Agencies in the Protected Area*. – The city government of Zamboanga and relevant national agencies represented in the PAMB shall have the following roles:

- (a) Apprise their respective constituents, office or sector on activities and programs for the protected area;
- (b) Ensure consistency in the implementation of all activities in the protected area;

- (c) In the exercise of its ordinance-making power over the protected area, the city council of Zamboanga shall consider the Management Plan and the rules and regulations adopted by the PAMB in the legislative agenda relating to biodiversity, conservation, protection and sustainable development;
- (d) In the formulation of its development plan, the city government of Zamboanga shall consider the Protected Area Management Plan for the Great and Little Sta. Cruz Islands Protected Landscape and Seascape;
- (e) Assist the PAMB in the implementation of the overall programs for the area, including but not limited to the imposition, collection and utilization of fees, enforcement of policies, rules and regulations and other similar activities;
- (f) Accredite people's organizations, non-government organizations and other entities and groups involved in the activities within the protected area;
- (g) Provide the PAMB with relevant information and data for the effective management of the protected area; and
- (h) The city government of Zamboanga may, subject to availability of funds, provide an annual financial assistance for the protection and enhancement of the protected area.

SECTION 24. *Public Service Utilities, Projects.* – All existing and future development projects of public service utilities involving the construction of cottages, watch towers, communication facilities, public security, health and education services and others which will promote public welfare, shall be implemented within areas designated /approved by the PAMB.

CHAPTER VII

TRANSITORY AND MISCELLANEOUS PROVISIONS

SECTION 25. *Appropriations* – The DENR Secretary shall immediately include in the Department's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION 26. *Construction* – The provisions of this Act shall be construed liberally in favor of tenured migrants and with due consideration of the prior property rights of the stakeholders to sustainable development, and the conservation and protection of biodiversity. Existing forestry laws and their corresponding rules and regulations not inconsistent herewith shall have suppletory application in the implementation of this Act.

SECTION 27. *Implementing Rules and Regulations* – Ninety (90) days after the effectivity of this Act, the Department of Environment and Natural Resources (DENR), in consultation with the Senate Committee on Environment and Natural Resources, the House of Representatives Committee on Natural Resources, and the PAMB, shall promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

SECTION 28. *Separability Clause* – If any provision of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections hereof.

SECTION 29. *Repealing Clause* – All existing laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 30. *Effectivity Clause* – This Act shall be translated in Chabacano. It shall be published once in a newspaper of general circulation which is readily available in and around the protected area. It shall be posted for a

continuous period of thirty (30) days at the City Hall of Zamboanga and the barangay hall of the barangay whose territorial coverage includes the protected area. This Act shall take effect thirty (30) days from such publication and posting.

APPROVED.