Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 5919

HOUSE OF REPRESENTATIVES
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INTRODUCED BY REPRESENTATIVES LEOVIGILDO B. BANAAG AND HERMILANDO I. MANDANAS

EXPLANATORY NOTE

What is known as the "blue water equivalent" of the Amazon River Basin is located within Philippine territory.

The Sulu Sulawesi Seascape, straddling the Indo-Malaya-Philippines Archipelago, occupies an area of 900,000 sq km and supports about 40 Million people.

This seascape is recognized as the center of the highest concentration of marine biodiversity in the world.

At the center of this area is the **Verde Passage Marine Corridor**.

The Verde Passage Marine Corridor, an approximately 100 sq. km. area of seascape which encompasses the coastal areas, islands, and marine waters within the Provinces of Batangas, Marinduque, Mindoro Occidental, Mindoro Oriental, and Romblon, is home to 1,736 overlapping marine species. **It is by far the largest concentration of marine life in the world**. The Verde Passage is also dubbed as "**the center of the center of the center of the world's marine shore fish biodiversity**."

This Bill, which seeks to **declare the Verde Passage Marine Corridor as a Protected Area under the category of Protected Landscape and Seascape**, signifies the responsibility of the Philippine government not only to the Filipino people, but to the world as a whole.

It is the obligation of the Philippine government to protect this area not only for present and future Filipinos, but for the whole human race. Ensuring the sustainable development of Verde Passage Marine Corridor has **global environmental implications**.

A **clean, healthy, productive, and beautiful environment** is a vision that is as noble as it is universal. It is our heritage to our future generations, not only of Filipinos but of the whole world.

In view of the foregoing, the immediate passage of this Bill is sought.

REP. LEOVIGILDO B. BANAAG
1st District, Agusan del Norte
Chairman, Committee on Natural Resources

REP. HERMILANDO I. MANDANAS
2nd District, Batangas
Chairman, Special Committee on Southern Tagalog Development

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INTRODUCED BY REPRESENTATIVES LEOVIGILDO B. BANAAG AND HERMILANDO I. MANDANAS

AN ACT DECLARING THE VERDE PASSAGE MARINE CORRIDOR LOCATED IN THE PROVINCES OF BATANGAS, MARINDUQUE, MINDORO OCCIDENTAL, MINDORO ORIENTAL, AND ROMBLON 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:

ARTICLE I

TITLE, POLICIES AND OBJECTIVES

SECTION 1. ***Short Title.-*** This Act shall be known and cited as the "Verde Passage Marine Corridor Protected Area (VPMCPA) Act of 2006."

SEC. 2. ***Declaration of Policy.-*** It is hereby declared the policy of the State to ensure the protection and conservation of the globally significant economic, biological, socio-cultural, educational, and scientific values of the Verde Passage Marine Corridor for the enjoyment of present and future generations. These policy objectives shall be pursued through sustainable and participatory management, taking into consideration all applicable laws and international conventions that have been duly ratified by the Government of the Philippines.

SEC. 3. ***Category and Scope.-*** For purposes of management direction including the allowable activities therein, the VPMCPA is hereby categorized as a Protected Landscape and Seascape pursuant to Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992.

The VPMCPA covers an approximate area of 10,000 hectares comprising of coasts, islands and marine waters in the Provinces of Batangas, Marinduque, Mindoro Occidental, Mindoro Oriental, and Romblon.

SEC. 4. *Definition of Terms.-* For purposes of this Act,

"BFAR" shall refer to the Bureau of Fisheries and Aquatic Resources of the Department of Agriculture.

"Bioprospecting" shall refer to the conduct of research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes.

"Commercial fishers/fisherfolk" shall refer to persons who catch fish and other fishery products using fishing vessels of more than three (3) gross tons.

"Coral" shall refer to all bottom dwelling animals under the phylum Cnidaria, which are a major part of the reef community. The definition includes four types of corals, 1) those that produce a hard skeleton out of calcium carbonate such as all scleractinian corals, the hydrozoan corals (firecorals), and the blue and red corals under the genera *Heliopora* and *Tubipora*; 2) the antipatharian or black corals with a rigid, chitinous skeleton; 3) the gorgonians with a horny and/or calcareous axis; and 4) the soft bodied anthozoans such as sea anemones, and the soft corals under the systematical group of Alcyonaria or Octocorallia.

"***DA***" shall refer to the Department of Agriculture.

"DENR" shall refer to the Department of Environment and Natural Resources.

"**DOJ**" shall refer to the Department of Justice.

"Electro-fishing" shall refer to the use of electricity generated by batteries, electric generator, and other source of electric power to kill, stupefy, disable, or render unconscious aquatic organisms, whether or not the same are subsequently recovered.

"Exotic species" shall refer to species or subspecies that do not naturally occur within the biogeographic region of the VPMCPA at present or in historical time.

"Explosives" shall refer to dynamite, other explosives or other chemical compounds that contain combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound will kill, stupefy, disable or render unconscious any species. It also refers to any other substance and/or device, including blasting caps or any other component or part of explosive devices, which causes an explosion that is capable of producing the said harmful effects on any resources and capable of damaging and altering the natural habitat.

"Gear" shall refer to any instrument or device and its accessories utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing or possessing resources within the VPMCPA.

"Kayakas" shall refer to the fishing method known as the local version of the muro-ami but smaller in size, using bamboo or trunk trees as scaring devices aisde from coconut or other leaves or materials to drive the fishes and other marine resources out of the coral reefs while at the same time pounding the corals.

"Litter" *or* ***"Littering"*** shall refer to the disposal of small amounts of non-biodegradable solid waste materials, such as, cigarette butts, candy wrappers, plastic bags, bottles, glasses, in the VPMCPA which may cause or contribute to the deterioration of the resources or habitats in the VPMCPA.

"Municipal fishers/fisherfolk" shall refer to persons who catch fish and other fishery products using fishing vessels of three (3) gross tons or less, or whose fishing does not require the use of fishing vessels.

"Muro-ami" shall refer to the method used in reef fishing consisting of a movable bagnet, detachable wings and scarelines having plastic strips and iron/steel/stone weights, effecting fish capture by spreading the net in an arc around reefs or shoals and, with the use of the scarelines, a cordon of people drive the fish towards the waiting net while pounding the corals by means of heavy weights like iron/steel/stone or rock making it destructive to corals.

"Non-Government Organization (NGO)" shall refer to any civic, developmental, environmental, or philanthropic non-stock, non-profit organization, duly registered, having by-laws, democratically-elected representatives, 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" shall refer to those resources found within the VPMCPA, the natural replenishment rate of which is not known.

"Noxious or Poisonous Substances" shall refer to any substance, plant extract or juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any marine organism and capable of damaging and altering the natural habitat.

"PAMB" shall refer to the Protected Area Management Board as provided for in Republic Act 7586, otherwise known as the National Integrated Protected Areas System Act.

"People's Organization (PO)" shall refer 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, and organized to undertake collective action to address common concerns and needs in relation to the protected area.

"Protected area" shall refer 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.

"Protected landscapes/seascapes" are 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.

"Protected species" shall refer to any plant or animal declared protected under Philippine laws, rules and regulations. These shall include all species listed under the Convention of International Trade of Endangered Species (CITES) and all its Annexes, the Bonn Convention on Migratory Animals, those specified under the red-list categories of the International Conservation of Nature (IUCN), or any plant or animal which the VPMCPA-PAMB or any government agency may deem necessary for conservation and preservation in the VPMCPA.

"Purse seine" shall refer to a fishing gear characterized by encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or boats around the school of aquatic resources. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the boat or boats until the resources are concentrated in the bunt or bag.

"Resources" shall refer to all natural endowments, whether aquatic or terrestrial, living or non-living, found in the VPMCPA.

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

"Stakeholders" shall refer to individuals, communities, agencies, institutions, organizations, aggrupations of specific interests or sectors which have particular interest in the achievement of the objectives of this Act, and/or enjoyment or utilization in any form of the resources within the VPMCPA. .

"Trawl" shall refer to the gear consisting of a bag-shaped net which is dragged or towed along the bottom or through the water column to take aquatic resources by straining them from the water, including all variations and modifications of trawls in bottom, mid-water, baby trawls, and tow nets.

"VPMCPA-PAMB" shall refer to the Verde Passage Marine Corridor Protected Area Management Board.

"VPMCPA" shall refer to the Verde Passage Marine Corridor Protected Area.

"Vessel" includes every description of watercraft, including non-displacement crafts and seaplanes, used or capable of being used as a means of transportation on water. It shall include everything found therein, except personal effects.

"Waste" shall refer to discarded items of solid, liquid, contained gas or semi-solid form, and from whatever source, which may cause or contribute to the deterioration of the resources or habitats in the VPMCPA.

ARTICLE II

MANAGEMENT, MANAGEMENT PLAN, AND ZONING

SEC. 5. ***Management of the VPMCPA.-*** The management and administration of the VPMCPA shall be vested with the VPMCPA-PAMB, as herein provided.

SEC. 6. ***Zoning.-*** Management zones shall be established within the VPMCPA, giving primary consideration to the preservation and conservation of all life forms in accordance with its category as a protected landscape and seascape and applicable laws, rules, and regulations. Zoning shall also take into consideration the effective protection of habitats, fragile ecosystems, and unique areas.

The process of identifying, delineating and establishing management zones within the VPMCPA shall be consultative and participatory, involving the concerned stakeholders through such steps as dialogue and community and resource-use mapping activities.

The metes and bounds of each management zone shall be indicated on maps and/or nautical charts.

SEC. 7. ***Management Plan.-*** Within one (1) year from the effectivity of this Act, a management plan shall be prepared by the Verde Passage Marine Corridor Protected Area Superintendent (VPMC-PASu), in coordination with the local community and various stakeholders, the Provincial Governments of Batangas, Marinduque, Mindoro Occidental, Mindoro Oriental and Romblon, and other local government units in the area, with assistance from the DENR and BFAR. The management plan shall contain, among others:

a. the category of the protected area;

b. a period of applicability for ten (10) years subject to periodic review every three (3) years;

c. goals and objectives of management in support of Section 2 hereof;

d. key management issues, such as, but not limited to, issuance, screening, and approval of all development and resource-use activities within the VPMCPA; and adequate protection and restoration of endangered species and fragile ecosystems;

e. site management strategy including, but not limited to, establishment of clear and simplified guidelines on the activities that can be allowed within the zones, including the buffer zones;

f. major management activities, such as, but not limited to, enforcement of laws, habitats and wildlife management, sustainable use management, infrastructure development and maintenance, fire prevention, pest and disease control, and disaster management;

g. zoning in accordance with Section 6 hereof;

h. mechanism for the protection, regulation, and prohibition of persons within the VPMCPA, in accordance with their rights;

i. mechanisms to ensure consultative and participatory decision-making processes.

The management plan shall be consistent with the nature of the VPMCPA as a protected area. It shall be reviewed and approved by the VPMCPA-PAMB, and submitted to the DENR.

SEC. 8. ***Successor Plan.-*** Before the expiration of the initial management plan, there shall be a successor plan to be prepared by the VPMC-PASu in the same manner as the procedure and principles herein set forth. Two years before the expiration of the management plan, the VPMCPA-PAMB shall cause the publication of notices for comments and suggestions on the successor plan using all available media, but at least in a newspaper of local circulation, and the posting of such notices in the provincial, municipal and barangay halls and in three (3) other conspicuous areas frequented by the public. The successor plan shall be made available to the public for perusal at the office and sub-offices of the VPMCPA-PAMB.

ARTICLE III

INSTITUTIONAL MECHANISMS, ROLES AND FUNCTIONS

SEC. 9. ***Creation and Composition of the Verde Passage Marine Corridor Protected Area Management Board (VPMCPA-PAMB)-*** There shall be a Verde Passage Marine Corridor Protected Area Management Board which shall be the sole policy-making and permit-granting body in the VPMCPA. It shall be composed of:

a. the Governors of the Provinces of Batangas, Marinduque, Mindoro Occidental, Mindoro Oriental, and Romblon, as Co-Chairpersons;

b. the representative of the DENR as co-chairperson, to be appointed by the DENR Secretary;

c. the city mayors of Batangas City and Calapan City, as vice-chairpersons;

d. the municipal mayors of the various municipalities encompassed by the VPMCPA, as members

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e. the Environment and Natural Resources Officers of the Provinces of Batangas, Marinduque, Mindoro Occidental, Mindoro Oriental, and Romblon, as members;

f. the regional directors of the DA-BFAR and DOT in the VPMCPA, as members;

g. a representative from the academe, to be appointed by the President upon the recommendation of the DENR Secretary, as member;

h. at least three (3) representatives from NGOs involved in the conservation and management of the VPMCPA, to be chosen from among themselves in an election duly called for the purpose; and

i. The VPMCPA PASu as *ex-officio* member.

Except for government officials who shall serve *ex-officio*, every VPMCPA-PAMB member shall serve for a term of three (3) years: *Provided,* That the said person remains connected with the sector being represented. Whenever a vacancy occurs during the term of a member who does not represent the government, a new member shall be chosen in the same manner as the original process to serve the remaining term of the predecessor.

The VPMCPA-PAMB *en banc* shall hold regular meetings at least once every three months. However, the Executive Committee, as provided herein, may meet on a more regular basis to discuss regular day-to-day affairs and other matters delegated by the VPMCPA-PAMB.

SEC. 10. *Executive Committee and Other Committees.-* There shall be an Executive Committee (EXECOM), to be headed alternately by one of the VPMCPA-PAMB Chairpersons, to which the VPMCPA-PAMB may delegate some of its powers and functions. Its members shall be chosen by the VPMCPA-PAMB from among themselves.

The VPMCPA-PAMB may create other committees as it may deem necessary.

SEC. 11. *Incentives for VPMCPA-PAMB Members.-* In addition to actual and necessary traveling and subsistence expenses incurred in the performance of their duties, VPMCPA-PAMB members may be granted honoraria and insurance coverage when attending VPMCPA-PAMB or other VPMCPA-PAMB committee meetings. These expenses may be included in the budget for the VPMCPA.

SEC. 12. *Rules of Procedure.-* The VPMCPA-PAMB shall determine by appropriate resolution its procedural rules, which shall include discipline and removal of erring officers and members.

SEC. 13. *Powers and Functions of the VPMCPA-PAMB.-* The VPMCPA-PAMB shall have the following powers and functions:

a. Decide matters relating to planning, resource use and protection, and general administration of the area in accordance with the management plan;

b. Approve budget allocations, proposals, work plans, action plans, and guidelines for the management of the VPMCPA in accordance with the management plan and its policies;

c. Coordinate with national and local agencies, local government units, local communities, the academe, non-governmental organizations, and such other institutions to ensure the conservation and management of the VPMCPA;

d. Initiate the implementation of the delineation of the boundaries of the VPMCPA;

e. Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development within the VPMCPA and consistent with the management plan;

f. Ensure the implementation and enforcement of laws, rules and regulations, policies, programs and projects within the VPMCPA;

g. Control and regulate construction, operation, and maintenance of structures and utilities within the VPMCPA;

h. Monitor and evaluate the performance of the VPMCPA-PAMB and all other persons tasked to implement activities and projects in the VPMCPA;

i. Appoint the VPMCPA Park Superintendent, and, upon recommendation of the park superintendent, appoint all VPMCPA management personnel based on internal selection criteria and decide on their compensation and benefits;

j. Generate funds and accept donations and grants and exercise accountability over all funds that may accrue to the VPMCPA;

k. Manage the VPMCPA Trust Fund, as herein provided;

l. Exercise quasi-judicial functions for adjudicating cases of violations of this Act and exact fines and fees for violations of guidelines, rules and regulations within the VPMCPA;

m. Set and impose fees for permits, including but not limited to utilization permits and user's fees, to be issued by the VPMCPA-PAMB in accordance with the provisions of this Act;

n. Deputize individuals for the enforcement of laws, rules and regulations governing conduct within the VPMCPA, and prescribe the necessary qualifications therefore;

o. Designate collecting officers for funds generated by the VPMCPA and formulate procedure for the disbursement thereof in accordance with sound accounting and auditing standards;

p. Retain legal counsel to defend cases against the VPMCPA-PAMB and the Office of the Park Superintendent whenever they are sued in connection with the performance of their duties under this Act, its guidelines, and rules and regulations pertaining to the VPMCPA;

q. Provide adequate measures to ensure consultation and participation of stakeholders;

r. Perform such other functions necessary for the fulfillment of the provisions of this Act and other applicable laws, rules and regulations, and other tasks that may be formally requested by various Local Government Units in whose land area for part of the VPMCPA.

SEC. 14. *Verde Passage Marine Corridor Protected Area Superintendent's Office (VPMCPASO).-* There shall be a Verde Passage Marine Corridor Protected Area Superintendent's Office (VPMCPASO) to be headed by the VPMC-PASu who shall serve as the chief operating officer of the entire VPMCPA. The VPMC-PASu and his/her staff shall hold office in a place to be designated by the VPMCPA-PAMB: *Provided,* That the VPMCPA-PAMB may authorize the establishment of sub-offices for purposes of convenience, safety, accessibility, economy, and such other justifiable reasons: *Provided, further,* That at least a sub-office shall be established within the VPMCPA.

The VPMC-PASu shall have full responsibility for the protection of resources within the VPMCPA and shall exercise the following duties and responsibilities in addition to those provided under existing laws and regulations:

a. Prepare the management plan and its successor plans as herein provided;

b. Serve as secretary to the VPMCPA-PAMB with the duty to provide the VPMCPA-PAMB with all the information necessary to make appropriate decisions for the implementation of this Act;

c. Hire non-management personnel of the VPMCPA and recommend management personnel to the VPMCPA-PAMB;

d. Supervise VPMCPA personnel in the performance of their duties and functions;

e. Establish productive partnership with national and local agencies, local government units, local communities, the academe, non-governmental organizations, and such other institutions to ensure the conservation and management of the VPMCPA;

f. Develop and implement park information, interpretation, education and other visitor programs;

g. Enforce the laws, rules and regulations and VPMCPA-PAMB resolutions relevant to the VPMCPA, file complaints, and assist in the prosecution of offenses;

h. Monitor all activities within the VPMCPA in conformity with the management plan;

i. Ensure that consultative and participatory mechanisms are maximized in decision-making;

j. Perform such other functions as the VPMCPA-PAMB may assign.

SEC. 15. ***Components of the VPMCPASO.-*** The VPMCPASO, with the approval of the VPMCPA-PAMB, shall ensure efficient and effective implementation of this Act through various components or divisions that may be deemed necessary: *Provided,* That the VPMCPA-PAMB and the VPMC-PASu shall ensure that there are components in the VPMCPASO that shall ensure conservation awareness; visitor management; research, planning, and monitoring planning; information, education and communication; law enforcement and security; and community development.

SEC. 16. ***Role of Local Government Units.-*** The Provinces of Batangas, Marinduque, Mindoro Occidental, Mindoro Oriental, and Romblon and the cities and municipalities encompassed by the VPMCPA shall participate in the management of the VPMCPA through their representation in the VPMCPA-PAMB. The provisions of this Act shall be incorporated into the municipal, city and provincial development plans within the Provinces of Batangas, Marinduque, Mindoro Occidental, Mindoro Oriental, and Romblon, and the Regional Development Plans of Regions IV-A and IV-B as part of the environmental concerns of the provinces and the regions. Local government units shall likewise ensure that local ordinances pertaining to the environment are consistent with this Act and the management plan, as herein provided.

SEC. 17. ***Role of the DENR.-*** The DENR shall coordinate closely with the VPMCPA-PAMB to ensure sound management and conservation of the VPMCPA; provide technical and financial assistance; and be represented in the VPMCPA-PAMB by the Regional Executive Director (RED) of Region 4-A as co-Chairperson and the Provincial Environment and Natural Resources Officers (PENRO) of Batangas, Marinduque, Mindoro Occidental, Mindoro Oriental, and Romblon as members.

SEC. 18. ***Fiscal Matters.-*** The VPMCPA shall enjoy fiscal autonomy. It shall have the sole power to decide on the use of its funds from whatever source.

The VPMCPA shall not be required to contribute to the Integrated Protected Area Fund (IPAF) provided under Republic Act No. 7586.

SEC. 19. ***The VPMCPA Fund.-*** There is hereby created a Verde Passage Marine Corridor Protected Area Fund which shall consist of all the fees, penalties, donations, grants, endowments, revenues, and any other income pertaining to the

VPMCPA. The fund shall be used for financing projects and activities in the VPMCPA to attain the objectives of this Act.

The Verde Passage Marine Corridor Protected Area Fund shall be deposited in a government bank and automatically appropriated for the exclusive use of the VPMCPA-PAMB for park operations according to its management plan, approved work and financial plan, and manual of operations. The fund shall be subject to the regulations of the Commission on Audit and the VPMCPASO shall submit a report to the DENR as to the disposition of the same.

All proceeds and revenues pertaining to the VPMCPA shall be exempt from whatever tax, charges or fees: *Provided,* That the VPMCPA-PAMB shall apportion the revenues in accordance with the provisions of Section 18 of this Act.

ARTICLE IV

UTILIZATION OF RESOURCES

SEC. 20. ***Activities Within and Use of VPMCPA Resources.-*** No person or entity shall enter, enjoy, or use any portion of the VPMCPA and its resources for whatever purpose without prior permission from the VPMCPA-PAMB or the VPMC-PASu as herein provided.

SEC. 21. ***Modes of Utilization.-*** The VPMCPA-PAMB shall determine, based on existing scientific evidence, laws, rules and regulation, international instruments, traditional resource utilization, management modalities in the area, carrying capacity, and observing precautionary principle the modes of utilization of the VPMCPA and all the resources found therein. Permits shall only be issued for such modes of utilization and enjoyment as the VPMCPA-PAMB and this Act shall allow.

SEC. 22. ***Utilization Permits and Users' Fees-*** The VPMCPA-PAMB shall have the exclusive authority to issue permits and conditions thereto and determine and collect fees for the use and enjoyment of the VPMCPA and the resources therein: *Provided,* That the VPMCPA-PAMB may delegate to the VPMC-PASu the authority to issue permits and collect fees for temporary access to the VPMCPA, such as, passage, visiting, or diving, subject to the limits as may be determined by the VPMCPA-PAMB: *Provided, however,* That entry into the VPMCPA for emergency reasons shall not be subject to permit and users' fees.

SEC. 23. ***Energy and Non-Renewable Resources.-*** Any exploration, exploitation or use of non-renewable resources, such as minerals and oil, within the VPMCPA shall not be allowed. Energy projects shall be allowed only through an Act of Congress except those that generate energy from wind and sun or other clean renewable energy sources.

ARTICLE V

PROHIBITED ACTS AND PENALTIES

SEC. 24. ***Unauthorized Entry, Enjoyment, or Use.-*** Except in emergency situations, it shall be unlawful to enter the strict protection zones within the VPMCPA without prior permission from the VPMCPA-PAMB or the VPMC-PASu as herein provided. It shall also be unlawful to enter, enjoy, or use for any purpose any management zone where such entry, enjoyment or use is prohibited. This rule shall similarly apply to the use of vehicles, vessels, gears and equipment in management zones where such are not allowed.

Violation of this Section shall subject the responsible person or entity to an administrative fine of from Five thousand pesos (P5,000.00) to Thirty thousand pesos (P30,000), as may be determined by the VPMCPA-PAMB.

SEC. 25. ***Non-payment of Users' Fees.-*** It shall be unlawful for any person or entity to enjoy or utilize the VPMCPA and the resources therein without payment of users' fees as may be imposed by the VPMCPA-PAMB.

Violation of this Section shall be penalized with an administrative fine of double the amount set by the VPMCPA-PAMB for the activity undertaken.

SEC. 26. ***Unauthorized Anchorage.-*** Except in emergency situations, it shall be unlawful for any person or entity to anchor outside the designated areas determined by the VPMCPA-PAMB.

Violation of this Section shall be penalized with an administrative fine of not less than Five thousand pesos (P5,000.00) and not more than Thirty thousand pesos (P30,000.00) without prejudice to the provisions of Section 24 hereof.

SEC. 27. ***Dumping of Waste and Littering.-*** It shall be unlawful for any person or entity to dump waste inside the VPMCPA. It shall likewise be unlawful to clean and change the oil of vessels within the VPMCPA.

Violation of this provision shall be punished with imprisonment of six (6) months to one (1) year, and fine of not less than Five thousand pesos (P5,000.00). The VPMCPA-PAMB shall impose an administrative fine of not less than Ten thousand pesos (P10,000.00) and not more than Thirty thousand pesos (P30,000.00), and order the violator to clean up the waste or pay for the clean-up thereof.

It shall likewise be unlawful to litter within the VPMCPA. Littering shall be penalized by the VPMCPA-PAMB with an administrative fine of from Three thousand pesos (P3,000.00) to Five thousand pesos (P5,000.00).

SEC. 28. ***Bioprospecting without Permit.-*** It shall be unlawful to conduct bioprospecting within the VPMCPA.

Violation of this Section shall be punished with imprisonment of six (6) months to six (6) years; fine of Two Hundred Thousand Pesos (P200,000.00) to One Million Pesos (P1,000,000.00); and forfeiture of the resources subject of the offense, and equipment, gears, and vessels used. The VPMCPA-PAMB shall also impose an administrative fine ranging from Two Hundred Thousand Pesos (P200,000.00) to One Million Pesos (P1,000,000.00); and confiscation and forfeiture of the resources subject of the offense, and the equipment, gears, and vessels used.

SEC. 29. ***Introduction of Exotic Species.-*** It shall be unlawful to introduce exotic species of plants or animals into the VPMCPA.

Violation of this Section shall be punished with imprisonment of six (6) months to six (6) years; fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00); and forfeiture of the resources subject of the offense, and the equipment, gears, and vessels used. The VPMCPA-PAMB shall also impose an administrative fine ranging from Two hundred thousand pesos (P200,000.00) to One million pesos (P1,000,000.00); and confiscation and forfeiture of the resources subject of the offense, and the equipment, gears, and vessels used.

SEC. 30. ***Hunting, catching, fishing, killing, taking, gathering, removing, destroying, disturbing, or possessing resources.-*** Except in cases of emergency and safety, it shall be unlawful for any person to actually or to attempt to hunt, catch, fish, kill, take, gather, remove, destroy, disturb, or possess any resource, whether living or non-living, or products derived from the VPMCPA therefrom, without a permit from the VPMCPA-PAMB and such other permits as may be required by law, rules and regulations. The unauthorized entry of a vessel in the VPMCPA shall be *prima facie* evidence of violation of this Section.

Violation of this Section shall be punished as follows:

(1) Where the offender uses explosives, noxious or poisonous substances, or electricity, the penalty shall be imprisonment ranging from six (6) years to twelve (12) years without prejudice to the filing of separate criminal cases when the use of the same results in physical injury or loss of human life; fine ranging from Thirty Thousand Pesos (P30,000.00) to One Hundred Thousand Pesos (P100,000.00); and forfeiture of the resources subject of the offense, and equipment, gears, and vessels used. The VPMCPA-PAMB shall also impose an administrative fine ranging from Forty Thousand Pesos (P40,000.00) to One Hundred Fifty Thousand Pesos (P150,000.00) and confiscation and forfeiture of the resources subject of the offense and equipment, gears, and vessels used.

The discovery of dynamite, other explosives, and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electro-fishing in any vessel or in the possession of any person within the VPMCPA shall constitute *prima facie* evidence that the same was used in violation of this Act. The discovery in any vessel or in the possession of any person with the VPMCPA of resources caught, taken, killed, removed, gathered or destroyed with the use of explosives, noxious, or poisonous

substances, or by electricity shall constitute *prima facie* evidence of violation of this Act.

(2) Where the offender merely possesses explosives, noxious or poisonous substances, or electro-fishing devices within the VPMCPA, the punishment shall be imprisonment ranging from six (6) years and one day to twelve (12) years; fine ranging from Thirty thousand pesos (P30,000.00) to One hundred thousand pesos (P100,000.00); forfeiture of fish catch, fishing equipment, and vessels. The VPMCPA-PAMB shall also impose an administrative fine ranging from Forty thousand pesos (P40,000.00) to One hundred fifty thousand pesos (P150,000.00); and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

(3) Where the offender takes, removes, fishes, gathers, kills, destroys or possesses corals, except for scientific or research purposes authorized by the VPMCPA-PAMB, the penalty shall be imprisonment ranging from six (6) years and one day to twelve (12) years; fine ranging from Twenty thousand pesos (P20,000.00) to Eighty thousand pesos (P80,000.00); forfeiture of the corals, equipment, gears and vessels. The VPMCPA-PAMB shall also impose an administrative fine ranging from Thirty Thousand Pesos (P30,000.00) to One Hundred Thousand Pesos (P100,000.00); and confiscation and forfeiture of the corals subject of the offense, and the equipment, gears, and vessels used.

(4) Where the offender uses any fishing gear or method that destroys coral reefs, seagrass beds, or other marine life habitats as may be determined by this Act, the VPMCPA-PAMB, other laws, the Department of Agriculture, or the DENR, the operator, boat captain, master fisherman, and recruiter or organizer of fishworkers involved shall suffer a penalty of six (6) years and one day to twelve (12) years imprisonment; fine of not less than One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00); forfeiture of catch, fishing equipment, gears and vessels. The VPMCPA-PAMB shall also impose administrative fine ranging from Four hundred thousand pesos (P400,000.00) to One million pesos (P1,000,000.00); and confiscation and forfeiture of catch, fishing equipment, gears,and vessels.

(5) *Muro-Ami, pa-aling*, all kinds of trawls (*galadgad, Norway*), purse seine (*pangulong*), Danish *seine (hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba, palisot, patangko, bira-bira, buli-buli, hulahoop, zipper, lampornas, etc.),* ring net *(kubkob, pangulong, kalansisi*), drive-in net (*kayakas*), round haul seine (*sapyaw, lawag*), motorized push net (*sudsod*), bagnet (*basnig, saklit*), or any of their variations, are hereby declared destructive fishing methods or gears under this provision.

(6) Where the offender gathers or removes pebbles, stones, rocks, sand or other materials that form part of the habitat, or otherwise engages in the quarrying or dredging of any portion of the VPMCPA, the penalty shall be six (6) years and one day to twelve (12) years imprisonment; fine of not less than Thirty thousand pesos (P30,000.00) to Five hundred thousand pesos (P500,000.00); and forfeiture of the substance taken from the habitat, and the equipment and

vessels used to commit such violation. The VPMCPA-PAMB shall also impose administrative fine ranging from Thirty thousand pesos (P30,000.00) to Seven hundred thousand pesos (P700,000.00); and confiscation and forfeiture of the substance taken, and equipment and vessels used in the commission of the violation.

(7) Where the subject of the offense are protected species as defined in this Act, the penalty shall be imprisonment of twelve (12) years to twenty (20) years; fine of One Hundred Twenty Thousand Pesos (P120,000.00) to One Million Pesos (P1,000,000.00) for every threatened or endangered organism subject of the offense; forfeiture of the catch, equipment, gears and vessels; and cancellation of fishing permit. The VPMCPA-PAMB shall also impose an administrative fine ranging from One hundred fifty thousand pesos (P150,000.00) to One million pesos (P1,000,000.00) for every threatened or endangered organism subject of the offense; and confiscation and forfeiture of catch, equipment, gears, and vessels.

(8) Where the violations of this Section are not covered by the preceding paragraphs, the penalty shall be imprisonment of one (1) year to three (3) years; fine of not less than Ten thousand pesos (P10,000.00); and forfeiture of the catch, equipment, gears, and vessels; and cancellation of permit that makes it possible for the offender to commit the offense. The VPMCPA-PAMB shall also impose an administrative fine ranging from Fifteen thousand pesos (P15,000.00) to One million pesos (P1,000,000.00); and confiscation and forfeiture of catch, equipment, gears, and vessels.

SEC. 31. ***Poaching by foreigners.-*** It shall be unlawful for any foreign person, corporation, or entity to fish or operate any fishing vessel in the VPMCPA. The entry of any foreign fishing vessel in the VPMCPA shall constitute *prima facie* evidence that the vessel is engaged in fishing in the area.

Violation of the above shall be punished by imprisonment of six (6) years and one day to twelve (12) years and a fine of One Hundred Thousand U.S. Dollars (US$100,000.00), in addition to the forfeiture of its catch, fishing equipment, and fishing vessel: *Provided,* That in case of non-payment of fine, subsidiary imprisonment shall be imposed: *Provided, further*, That the VPMCPA-PAMB is empowered to impose an administrative fine of not less than Fifty thousand U.S. Dollars (US$50,000.00), but not more than Two hundred thousand U.S. Dollars (US$200,000.00) or its equivalent in Philippine Currency, in addition to the confiscation and forfeiture of the fish catch, fishing equipment, and fishing vessel: *Provided, finally,* That a bond may be posted for the vessels which shall not be less than One hundred thousand U.S. dollars (US$100,000.00).

SEC. 32. ***Violation of Environmental Impact Assessment System.-*** The VPMCPA-PAMB shall prosecute violations of laws and rules on the Environmental Impact Assessment System. Such violations shall be punished by imprisonment of three (3) years to five (5) years; fine of One Hundred Thousand (P100,000.00) for every day that each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and forfeiture of the vessels, structures, effects, materials, and equipment used, and the products of such violation. If the offender

is a corporation, the directors and officers shall suffer the imprisonment. The VPMCPA-PAMB shall also impose an administrative fine of One hundred thousand pesos (P100,000.00) for every day that each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and confiscation and forfeiture of the vessels, structures, effects, materials and equipment used, and the products of such violation.

SEC. 33. ***Violation of Standards.-*** The owner, operator and top three (3) officers of any vessel violating the standards set by the VPMCPA-PAMB, such as, but not limited to, safety and sanitary standards, shall suffer administrative penalty of fine ranging from Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00) for every day each violation subsists, and from suspension of three (3) months to cancellation of permit to operate in the VPMCPA.

SEC. 34. ***Obstruction to Law Enforcement Officer.-*** The boat owner, master, operator, officer, or any person acting on his/her behalf, of any vessel who evades, obstructs, or hinders any law enforcement officer in the VPMCPA to perform his/her duty, shall be fined Twenty thousand pesos (P20,000.00). In addition, the registration, permit, and/or license of the vessel including the license of the officers thereof shall be canceled.

SEC. 35. ***Promulgation of Rules and Regulations.-*** The VPMCPA-PAMB may issue rules and regulations, including the imposition of penalties, in pursuit of the conservation, preservation, management, and sustainable development of the VPMCPA: *Provided*, That such rules and regulations shall be consistent with this Act.

SEC. 36. ***Fines and Forfeitures.-*** All the criminal fines and forfeitures that may be imposed by the courts and the administrative fines and forfeitures that may be imposed by the VPMCPA-PAMB under this Act and the rules and regulations that may be promulgated in pursuit of the goals and objectives of this Act shall be given to the VPMCPA-PAMB and shall form part of the funds and assets of the VPMCPA.

ARTICLE VI

LAW ENFORCEMENT AND PROSECUTION

SEC. 37. ***Enforcement of this Act, other Laws, Rules, and Regulations Within the VPMCPA.-*** The Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the Philippine Coast Guard (PCG), the law enforcement officers of the DENR and DA-BFAR, LGU officials, law enforcement officers of LGUs, members and officers of the VPMCPA-PAMB, the VPMC-PASu and his/her staff, and other government enforcement agencies, are hereby authorized to enforce this Act and other laws, rules, and regulations within the VPMCPA.

The VPMCPA-PAMB may deputize in writing other persons to enforce the provisions of this Act and other laws, rules and regulations within the VPMCPA.

Any one of the above persons and entities is authorized to file administrative cases before the proper agencies and bodies, or initiate criminal proceedings in accordance with the Rules of Court, for offenses committed within the VPMCPA.

SEC. 38. ***Inspection Powers.-*** The VPMC-PASu and all law enforcers shall have the power to stop, board, search, and inspect all vessels within the VPMCPA for the purpose of enforcing the provisions of this Act and other laws, rules and regulations.

SEC. 39. ***Coordination Between VPMCPA-PAMB/VPMC-PASu and Law Enforcement Agencies.-*** The VPMCPA-PAMB and the VPMC-PASu shall coordinate with law enforcement arms and agencies of government to ensure effective enforcement of the provisions of this Act and other applicable laws, rules and regulations within the VPMCPA. The AFP, PNP, PNP-Maritime Command, PCG, law enforcement officers of the DENR, DA-BFAR, and concerned LGUs shall cooperate with the VPMCPA-PAMB and the VPMC-PASu for this purpose. Towards this end, the concerned agencies shall promulgate the necessary joint issuances and orders providing guidelines and procedures for common activities no later than six months after the effectivity of this Act.

SEC. 40. ***Special Prosecutors and Counsels.-*** The Department of Justice (DOJ), upon recommendation of the VPMCPA-PAMB, shall designate special prosecutors, either or both from among state and public prosecutors to do preliminary investigation and prosecute violations of this Act and other laws, rules and regulations within the VPMCPA. Such special prosecutors shall coordinate with the VPMCPA-PAMB and the VPMC-PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The VPMCPA-PAMB shall periodically submit an evaluation of the performance of the designated special prosecutors to the DOJ.

The VPMCPA-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 VPMCPA-PAMB, the VPMC-PASu and VPMCPASO staff, or any person assisting in the protection, conservation and sustainable development of the VPMCPA, against any legal action related to their powers, functions, and responsibilities as provided in this Act or as delegated or tasked by the VPMCPA-PAMB.

SEC. 41. ***Citizens Suits.-*** For the purpose of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal, or administrative action in the proper courts/bodies against:

(a) Any person who violates or fails to comply with the provisions of this Act its implementing rules and regulations; or

(b) Those persons mandated to implement and enforce the provisions of this Act with respect to orders, rules and regulations issued inconsistent with this Act; and/or

(c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duty; or, improperly performs his duties under this Act or its implementing rules and regulations; *Provided*, *however*, That no suit can be filed until after thirty-day (30) notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The Court shall exempt such action from the payment of filing fees and likewise, upon *prima facie* showing of the non-enforcement or violation complained of, exempt the plaintiff from the filing of an injunction bond for the issuance of preliminary injunction.

In the event that the citizen should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

SEC. 42. ***Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act.-*** Where a suit is brought against a person who filed an action as provided in Section 41 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the Court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure, or stifle such legal recourse of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the investigating prosecutor or the Court, as the case may be, shall dismiss the complaint. In addition, the Court shall award the attorney's fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

ARTICLE VII

TRANSITORY PROVISIONS

SEC. 43. ***Convening the VPMCPA-PAMB.-*** Within one (1) month upon the effectivity of this Act, the interim VPMCPA-PAMB shall convene to ensure that its composition and structure conform with the provisions of this Act.

SEC. 44. ***Continuation of all Other Arrangements.-*** Except when otherwise provided by this Act, all arrangements, commitments, and agreements pertaining to the management, utilization, conservation and protection of the VPMCPA made and entered into by government agencies, the present VPMCPA-PAMB, and the Philippine Navy and the Philippine Coast Guard, shall continue to subsist until validly amended, revised, repealed or renewed.

ARTICLE VIII

GENERAL PROVISIONS

SEC. 45. ***Appropriation.-*** For the purpose of this Act, there is hereby appropriated the amount One million pesos (P1,000,000.00), annually for the first five (5) years of implementation of this Act, after which the VPMCPA Fund should support the activities of the protected area without prejudice to the possibility of annual appropriations as may be required and sourced from the budget of the DENR, the Provincial Governments of Batangas, Marinduque, Mindoro Occidental, Mindoro Oriental, and Romblon, the cities of Batangas and Calapan or any other government agency.

SEC. 46. ***Construction and Suppletory Application of Existing Laws.-*** The provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development. The provisions of Republic Act No. 7586, otherwise knows as the National Integrated Protected Areas System Act, Republic Act No. 8550, otherwise known as The Philippine Fisheries Code of 1998, Republic Act No. 9147, otherwise known as the Wildlife Resources Conservation Act, and existing forestry laws, and their corresponding rules and regulations not inconsistent hereto shall have suppletory effect in the implementation of this Act.

SEC. 47. ***Separability Clause.-*** If any part or section of this Act is declared unconstitutional or otherwise invalid, such declaration shall not affect the other parts or sections hereof.

SEC. 48. ***Repealing Clause.-*** All laws, presidential decrees, executive orders, rules and regulations inconsistent with this Act shall be deemed repealed or modified accordingly.

SEC. 49. ***Effectivity.-*** This Act shall take effect immediately after its complete publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,

/nov2006/mtv