

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

FIFTEENTH CONGRESS
Third Regular Session

COMMITTEE REPORT NO. **2340**

Submitted by the Committees on Natural Resources, Appropriations and Ways and Means on
15 AUG 2012 6475

Re: **House Bill No.** _____

Recommending its approval, in substitution of **House Bill No. 3294**

Sponsors: Representatives Francisco T. Matugas, Joseph Emilio A. Abaya, Isidro T. Ungab,
and Ma. Amelita A. Calimbas-Villarosa

Mr. Speaker:

The Committees on Natural Resources, Appropriations and Ways and Means to which was referred **House Bill No. 3294**, introduced by **Representative Ma. Amelita Calimbas-Villarosa**, entitled:

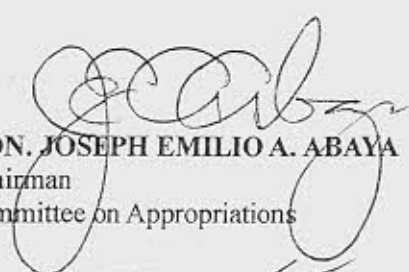
"AN ACT ESTABLISHING THE GRAND APO REEF, LOCATED IN THE MUNICIPALITY OF SABLAYAN, PROVINCE OF OCCIDENTAL MINDORO, AS PROTECTED AREA UNDER THE CLASSIFICATION OF NATURAL PARK AND ITS PERIPHERAL WATERS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES" 6475

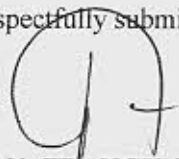
have considered the same and recommend that the attached House Bill No. _____, entitled:

"AN ACT ESTABLISHING THE APO REEF LOCATED IN SABLAYAN, OCCIDENTAL MINDORO AS PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK AND ITS PERIPHERAL WATERS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES"

be approved, in substitution of House Bill No. 3294, with Representatives Villarosa, Matugas, Abaya and Ungab as authors thereof.

Respectfully submitted,


HON. JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations


HON. FRANCISCO T. MATUGAS
Chairman
Committee on Natural Resources


HON. ISIDRO T. UNGAB
Chairman
Committee on Ways and Means

THE HONORABLE SPEAKER
House of Representatives
Quezon City

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

FIFTEENTH CONGRESS
 Second Regular Session

HOUSE BILL NO. 6475
 (in substitution of HB 3294)

**Introduced by Representatives Ma. Amelita A. Calimbas-Villarosa, Francisco
 T. Matugas, Joseph Emilio A. Abaya, and Isidro T. Ungab**

**AN ACT ESTABLISHING THE APO REEF LOCATED IN SABLAYAN,
 OCCIDENTAL MINDORO AS PROTECTED AREA UNDER THE
 CATEGORY OF NATURAL PARK AND ITS PERIPHERAL WATERS
 AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT AND FOR
 OTHER PURPOSES**

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

SECTION 1. Title – This Act shall be known as Apo Reef Natural Park
 (ARNP) Act.

SEC. 2. Declaration of Policy – Considering the rich biodiversity of the Apo
 Reef and its vital role in the fishery and ecotourism industries in the country, it is
 hereby declared the policy of the State to ensure its protection and conservation,
 including its associated waters and islands. The State shall therefore ensure the
 mobilization of resources for the operation of the institutional mechanism
 established for the protection of Apo Reef and the provision of scientific and
 technical support needed for the conservation of the biodiversity and integrity of its
 ecosystems.

SEC. 3. Scope and Coverage – The Apo Reef Natural Park which is located in
 the Municipality of Sablayan, Province of Occidental Mindoro, shall contain an
 area of Fifteen thousand seven hundred and ninety-two (15,792) hectares, and
 is more particularly described as follows:

Control					Northings	Eastings
Points	Cm.	(°) Latitude	(°) Longitude		(Meters)	(Meters)
1	123	12°44'47	120°27'22		1,410,356.242	223,773.809
2	123	12°41'11	121°33'44		1,403,229.656	238,121.888
3	123	12°35'47	120°29'57		1,393,709.839	228,292.637
4	123	12°39'18	120°23'46		1,400,336.616	217,153.893

Any modification of the coverage and scope of this Act due to factors such as changing ecological conditions, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress after full consultation with the affected public and concerned government agencies.

All lands and waters of the public domain within the coverage and scope of this Act, inclusive of the protected area and its buffer zones described in Section 4, shall fall under the classification of national park pursuant to the 1987 Philippine Constitution.

SEC. 4. Buffer Zones – Buffer zones surrounding the Apo Reef Natural Park, containing an area of Eleven thousand six hundred and seventy-seven (11,677) hectares, are likewise hereby established, with the following boundaries:

Control					Northings	Eastings
Points	Cm.	(°) Latitude	(°) Longitude		(Meters)	(Meters)
1	123	12°46'14	120°27'22		1,413,043.227	23,151.990
2	123	12°41'32	120°35'19		1,404,229.656	238,121.888
3	123	12°34'20	120°30'16		1,391,042.803	228,863.890
4	123	12°38'57	120°22'12		1,399,689.788	214,329.441

The buffer zones are established for the purpose of forming an extra layer of protection from users of nearby sea-lanes and other threats to the protected area.

SEC. 5. Definition of Terms – The following terms are hereby defined for the purpose of this Act:

(a) *Biodiversity* shall refer to variety and variability among living organisms and the ecological complexes in which said organisms occur;

(b) *Buffer Zones* shall refer to the areas identified and established outside the

boundaries of and immediately adjacent to the designated ARNP for the purpose of forming an extra layer of protection from users of nearby sea-lanes and other threats to the protected area and which also need special development control in order to avoid or minimize harm to the protected area;

(c) *Collection or Collecting* shall refer to the act of gathering or harvesting wildlife and its by-products or derivatives;

(d) *Commercial Fishers/Fisherfolks* shall refer to persons who catch fish and other fishery products using fishing vessels of more than three (3) gross tons;

(e) *Conservation* shall refer to the sustainable utilization of wildlife and/or maintenance, restoration and enhancement of the habitat;

(f) *Ecosystem* shall refer to the dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

(g) *Endangered Species* shall refer to species or subspecies that are not critically endangered but whose survival in the wild are unlikely if the causal factors continue operating;

(h) *Exotic Species* shall refer to species or subspecies of flora or fauna that do not naturally occur within the bio-geographic region of the ARNP at present or in historical time;

(i) *Fishers/Fisherfolks* shall refer to people directly or personally engaged in taking and/or culturing and processing fishery and/or aquatic resources. They shall also include traditional fishers who are solely dependent on fishing in ARNP for sustenance and livelihood;

(j) *Fishing 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 ARNP;

(k) *Habitat* shall refer to the place or type of environment where a species or subspecies naturally occur or has naturally established its population;

(l) *Hunting* shall refer to collection of wild fauna for food and/or recreational purposes with the use of weapons such as guns, bow and arrow, spear, and the like;

(m) *Introduction* shall refer to the bringing species into the wild that is outside its natural habitat;

(n) *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 aside 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;

(o) *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 ARNP which may cause or contribute to the deterioration of the resources or habitats in the ARNP;

(p) *Management Plan* shall refer to the fundamental plan, strategy, and/or scheme which shall guide all activities relating to the ARNP in order to attain the objectives of this Act;

(q) *Municipal Fishersfolks* 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;

(r) *Moru-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, with a cordon of people driving 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;

(s) *National Integrated Protected Areas System (NIPAS)* shall refer to 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;

(t) *Natural Park* shall refer to a relatively large area not materially altered by human activity where extractive resource uses are not allowed and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, education, and recreational use;

(u) *Non-Government Organization (NGO)* shall refer to an agency, institution, foundation or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to, organizing,

1 education, training, research, and/or resource accessing;

2 (v) *Non-Renewable Resources* shall refer to those resources that cannot be re-
3 made, re-grown or regenerated on a scale comparative to their consumption;

4 (w) *People's Organization* shall refer to a group of organized migrant
5 communities and or interested indigenous peoples which may be an association,
6 cooperative, federation, or other legal entity, established to undertake collective action
7 to address community concerns and needs, and mutually share the benefits of the
8 endeavor;

9 (x) *Poaching* shall refer to fishing or operating any fishing vessel, gathering
10 and/or purchase or possession of any fishery products within the ARNP by any foreign
11 person, corporation or entity;

12 (y) *Protected Area* shall refer to the identified portions of land and/or water set
13 aside by reason of their unique physical and biological significance, managed to
14 enhance biological diversity and protected against destructive human exploitation;

15 (z) *Protected Species* shall refer to plants or animals declared protected under
16 Philippine laws, rules, and regulations. These shall include all species listed under the
17 Convention on International Trade in Endangered Species of Wild Fauna and Flora
18 (CITES) and all its Appendices, the Bonn Convention on Migratory Species, those
19 specified under the red-list categories of the International Union for the Conservation
20 of Nature and Natural Resources (IUCN), or plants or animals which any government
21 agency and/or the ARNP may deem necessary for conservation and preservation in the
22 ARNP.

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

28 (bb) *Resources* shall refer to all natural endowments, whether aquatic or
29 terrestrial, living or non-living, found in ARNP.

30 (cc) *Vessel* shall refer to every description of watercraft, including non-
31 displacement crafts and seaplanes, used or capable of being used as a means of
32 transportation on water. It shall include everything found therein, except personal

effects.

(dd) *Waste* shall refer to discarded items of solid, liquid, contained gaseous or semisolid from whatever source, which may cause or contribute to the deterioration of the resources or habitats in the ARNP.

SEC. 6. Creation of the Apo Reef Natural Park Management Board (ARNP-MB) - Pursuant to Section 11 of RA 7586 or the NIPAS Act of 1992, there shall be created an ARNP-MB which shall have jurisdiction, power and authority over the ARNP for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of:

- 1) The Regional Executive Director, DENR Region 4-B as Chairperson;
- 2) The Provincial Planning and Development Officer/Coordinator;
- 3) The Mayor of the Municipality of Sablayan or duly designated representative;
- 4) One (1) representative chosen from among the coastal barangays in the Municipality of Sablayan;
- 5) One (1) representative from each department or national government agency directly involved in the ARNP or with long term projects or permanent facility located therein;
- 6) At least three (3) representatives from accredited NGOs operating within Sablayan chosen from among themselves in a meeting duly called for the purpose;
- 7) At least two (2) representatives from accredited POs operating within Sablayan chosen from among themselves in a meeting duly called for the purpose.

The ARNP-MB shall serve for a term of five (5) years without compensation, except for actual and necessary traveling and subsistence expenses incurred in performance of their duties.

Whenever a vacancy occurs during the term of a member, a new member shall be appointed in the same manner as the original appointment in order to complete the unfinished term of the said vacancy. In case of elective officials, the term of office as Management Board member shall be co-terminus the position: *Provided*, That the incoming elective official may opt to allow continuity of representation by the previous elective official through a Sanggunian Resolution which shall be communicated officially to the ARNP-MB.

The members of the ARNP-MB shall be appointed by the Secretary of the DENR in conformity with the provisions of the NIPAS Act. The initial members of the ARNP-MB shall be nominated from the current members of the interim ARNP-MB. Their nominations shall be conducted in a joint meeting of the current members of the interim ARNP-MB duly called for the purpose: *Provided*, That at least one-third (1/3) of the members thereof shall be women.

Representatives of POs and NGOs shall be endorsed by their respective heads of the organizations. Should there be NGO/PO consortia in the area, each consortium shall be entitled to one (1) representative to the Management Board: *Provided*, That the total NGO/PO representation to the Management Board shall not exceed twenty-five per cent (25%) of the total membership of the ARNP-MB: *Provided, further*, That the qualified NGOs/POs shall choose from among themselves, their representative to the ARNP-MB. Hence, NGO/PO consortium members shall no longer be eligible for representation to the Management Board.

Such NGO, PO, and/or consortia must be: i) known to be with interest, integrity and commitment to the conservation of natural resources; and ii) locally-based and legally existing continuously for at least three (3) years prior to the proposed appointment to the ARNP-MB.

The representatives from the Local Government Units (LGUs) and National Agencies in the ARNP-MB shall among other duties, inform their respective constituencies, office or sector of ARNP-MB approved or other relevant policies, rules, regulations, programs and projects and ensure that the provisions of this Act are observed, complied with and used as reference and framework in their respective plans, policies, programs and projects. Failure to comply with the foregoing shall subject such representative to disciplinary action as the ARNP-MB may provide.

SEC. 7. Powers and Functions of the Apo Reef Natural Park Management Board - The ARNP-MB shall have the following powers and functions in addition to those provided under the NIPAS Act of 1992 and its Implementing Rules and Regulations:

(a) Issue rules and regulations to prohibit acts that may be prejudicial to the ARNP and to the declaration of policy set forth under the NIPAS Act;

(b) Issue rules and regulations for the resolution of conflicts through appropriate

1 and effective means;

2 (c) Issue rules and regulations for the discipline and removal of its officers and
3 members;

4 (d) Adopt rules and procedures in the conduct of business, including the creation
5 of committees to which their powers may be delegated;

6 (e) Approve the Management Plan and oversee the office of the Protected Area
7 Superintendent (PASu);

8 (f) Establish criteria and set fees for the issuance of permits for activities
9 regulated by this Act or the Management Plan;

10 (g) Recommend the deputization of appropriate individuals for the enforcement
11 of the laws, rules and regulations governing the conduct or management of the ARNP;

12 (h) Approve fees and charges in accordance with existing guidelines/policies and
13 raise funds for the ARNP;

14 (i) Manage the allocation of the ARNP and other funds for the ARNP, ensure
15 their proper administration, and render an accounting thereof; and

16 (j) Recommend appropriate policy changes to the Department of Environment
17 and Natural Resources (DENR) and other government authorities.

18 The DENR, through its Regional Executive Director (RED), shall ensure that
19 the ARNP-MB acts within the scope of its powers and functions. In case of a conflict
20 between administrative orders issued by the DENR pursuant to the NIPAS Act and
21 those issued by the ARNP-MB, the Secretary of the DENR shall decide whether to
22 apply the rule or withdraw their application.

23 **SEC. 8. Incentives of ARNP-MB Members** - In addition to actual and necessary
24 traveling and subsistence expenses incurred in the performance of their duties, the
25 ARNP-MP members may be granted *honoraria* and insurance coverage in attending
26 Management Board meetings. These expenses may be included in the budget for the
27 ARNP.

28 **SEC. 9. Protected Area Superintendent (PASu) Office** - There is hereby
29 established a PASu Office in charge of the implementation of the projects, programs
30 and policies for the management, protection and administration of the ARNP. It will
31 be headed by a Protected Area Superintendent (PASu) and shall be supported by the
32 existing personnel of the DENR. The PASu shall be the Chief Operating Officer of

the ARNP and shall be accountable to the RED of the DENR and the ARNP-MB. The PASu shall have the following duties and responsibilities in addition to those provided under existing laws and regulations:

(a) Establish, operate and maintain a database management system as decision support tool;

(b) Prepare and execute the management plan for the ARNP;

(c) Provide a secretariat for the ARNP-MB and supply the ARNP-MB with all the information necessary to make appropriate decisions for the implementation of this Act;

(d) Enforce the laws, rules and regulations relevant to the ARNP and assist in the prosecution of offenses;

(e) Supervise all activities within the ARNP to ensure their conformity with the Management Plan;

(f) Ensure the integration of the ARNP management policies, regulations, programs and projects at all the concerned national and local government unit levels;

(g) Recommend to the DENR the issuance of permits based on terms, conditions and criteria established by the ARNP-MB; and

(h) Perform other functions as the ARNP-MB may delegate.

The PASu shall be supported by a sufficient number of personnel who shall be performing day to day management, protection and administration of the ARNP. All position items of DENR employees detailed to the ARNP at the time of the effectivity of this Act shall be transferred to form part of the PASu Office.

SEC. 10. *Management Plan* – The PASu shall take the lead in the preparation of the Management Plan in coordination with the appropriate offices of the Department, local communities, NGOs, and POs and all successor plans, which shall be approved by the majority of the ARNP-MB and endorsed to the Secretary through the Protected Areas and Wildlife Bureau (PAWB). The Management Plan is deemed accepted unless formal written disapproval from the Secretary is received by the ARNP-MB on the ground of inconsistency with existing laws and related rules and regulations.

Within one (1) year from the effectivity of this Act, the Management Plan shall have been put into effect following the General Planning Strategy provided

for under the NIPAS Act and according to procedure set forth in this Act. The Management Plan shall have the following minimum contents:

- (1) Description of the protected area;
- (2) Situational analysis including key management issues and concerns;
- (3) Goals and objectives;
- (4) Management strategies/interventions;
- (5) Description of management zones as well as major activities allowed/prohibited therein;
- (6) 5-year Work and Financial Plan for the implementation of the Management Plan; and
- (7) Monitoring and evaluation mechanisms.

The ARNP-MB shall review and update the Management Plan at least every five (5) years. Any modification or revision of the Management Plan shall follow the requirements pursuant to the NIPAS Act and its Revised Implementing Rules and Regulations: *Provided*, That the revised Management Plan shall be approved and endorsed in accordance with this Act.

The ARNP-MB shall likewise ensure that the Management Plan is integrated into the comprehensive land-sea use plan of the Local Government of Sablayan, Occidental Mindoro including the complementation of activities.

SEC. 11. *Seasonal Fishing Privileges* - Fishers who migrate to ARNP seasonally for traditional fishing and other activities that have benign impact on the sustainability and biodiversity of the reef shall be allowed to continue such activities: *Provided*, That the commission of any of the acts described herein or failure to report such acts when observed shall cause the cancellation of such rights.

The ARNP-MB 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 ARNP-MB, the PASu or persons assisting in the protection, conservation and sustainable development of the ARNP, against any legal action related to the performance of their duties, functions and responsibilities as provided in this Act or as delegated or authorized by the ARNP-MB.

SEC. 12. *Unauthorized Entry, Enjoyment or Use* - No person or entity shall

enter, enjoy or utilize any portion of the ARNP and the resources therein for whatever purpose without prior permission from the ARNP-MB as herein provided.

The ARNP shall not be open to navigation, except for activities that are sanctioned by the ARNP-MB such as, but not limited to, tourism and research. Except in emergency situations, it shall be unlawful to enter the ARNP without prior permission from the ARNP-MB or the PASu as herein provided. It shall also be unlawful to enter, enjoy or use for any purpose any prohibited management zone. This rule shall similarly apply to the use of any vessels, gear and equipment in management zones where such are not allowed.

Any person found to have violated this provision shall suffer the penalty of imprisonment of not less than six (6) months but not more than one (1) year and an administrative fine of One Hundred Thousand (P100,000.00) Pesos but not more than Three Hundred Thousand (P300,000.00) Pesos, as may be determined by the ARNP-MB. If the violator is a commercial fisher or common fisherfolk, the penalty shall be imprisonment of not less than one (1) year but not more than three (3) years and a fine of Five Hundred Thousand (P500,000.00) Pesos.

SEC. 13. *Damages to the Reef* – Any person who inflicts damage to the reef shall be fined by the ARNP-MB based on current valuation standards and shall pay the cost of restoration.

SEC. 14. *Non-payment of Users' Fees* - It shall be unlawful for any person or entity to enjoy or utilize the ARNP and the resources therein without payment of conservation fees as may be imposed by the ARNP-MB. Any person found to have violated this provision shall, in addition to the payment of the conservation fee, pay an administrative fine of double the amount of the conservation fee set by the ARNP-MB for the activity undertaken.

SEC. 15. *Anchoring* - It shall be unlawful for any person or entity to hold fast or secure a vessel in place either by using an anchor or by tying on to any part of the reef. All vessels shall utilize the mooring buoys provided by the ARNP. Any person found to have violated this provision shall pay an administrative fine of not less than Fifty Thousand (P50,000.00) Pesos and not more than One Hundred Thousand (P100,000.00) Pesos.

SEC. 16. *Dumping of Waste and Littering* - It shall be unlawful for any person or entity to dump waste including used engine oil inside the ARNP. Pursuant thereto,

it shall be unlawful to clean a vessel within the ARNP. Littering shall likewise be prohibited when the ARNP. Any person found to have violated this provision shall suffer the penalty of imprisonment of one (1) year to three (3) years, and a fine of not less than Five Thousand (P50,000.00) Pesos. The ARNP-MB shall impose an administrative fine of not less than One Hundred Thousand (P100,000.00) Pesos and not more than Three Hundred Thousand (P300,000.00) Pesos, and order the violator to clean up the waste or pay for the clean-up thereof.

SEC. 17. *Bioprospecting Without Permit* - It shall be unlawful to conduct bioprospecting within the ARNP without prior permit from the ARNP-MB and other concerned agencies. Any person found to have violated this provision shall suffer the penalty of imprisonment of one (1) year to six (6) years and a fine; fine of Five Hundred Thousand (P500,000.00) Pesos but not more than One million (P1,000,000.00) Pesos. The ARNP-MB shall also impose an administrative fine ranging from Five Hundred Thousand (P500,000.00) Pesos to One Million (P1,000,000.00) Pesos and shall confiscate the resources that are subject of the offense, including all equipment, gear and vessels which shall be forfeited in favor of the ARNP – MB..

SEC. 18. *Introduction of Exotic Species* - It shall be unlawful to introduce exotic species of plants or animals into the ARNP. Any person found to have violated this provision shall suffer the penalty of imprisonment of six (6) months to six (6) years; fine of One Hundred Thousand (P100,000.00) Pesos to One Million (P1,000,000.00) Pesos; and forfeiture of the resources subject of the offense, equipment, gears and vessels. The ARNP-MB shall also impose an administrative fine ranging from Two Hundred Thousand (P200,000.00) Pesos to One Million (P1,000,000.00) Pesos; and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

SEC. 19. *Destroying, Disturbing, or Possessing Resources* - Except in cases of emergency and safety, it shall be unlawful for any person to actually or attempt to hunt, catch, fish, kill, take gather, remove, destroy, disturb, or possess any resource, whether living or non-living, or products derived therefrom, without a permit from the ARNP-MB and such other permits as may be required by law, rules and regulations. The unauthorized entry of a vessel in the ARNP shall be *prima facie* evidence of

violation of this Section. Any person found to have violated this provision shall be penalized as follows:

(1) Where the offender uses explosives, noxious or poisonous substances, the penalty shall be imprisonment ranging from six (6) years and one day to twelve (12) years without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life; fine ranging from Three Hundred Thousand (P300,000.00) Pesos to Five Hundred Thousand (P500,000.00) Pesos; forfeiture of the resources subject of the offense, equipment, gears, and vessels. The ARNP-MB shall also impose an administrative fine ranging from Three Hundred Thousand (P300,000.00) Pesos to Five Hundred Thousand (P500,000.00) Pesos; and confiscation and forfeiture of the resources subject of the offense, equipment, gears, and vessels.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements or noxious or poisonous substances in any vessel or in the possession of any person within the ARNP 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 within the ARNP of resources caught, taken, killed, removed, gathered or destroyed with the use of explosives, noxious or poisonous substances shall constitute *prima facie* evidence of violation of this Act;

(2) Where the offender merely possesses explosive, noxious or poisonous substances, within the ARNP, the penalty shall be imprisonment ranging from four (4) years and two (2) months and one (1) day to six (6) years, a fine ranging from One Hundred Thousand (P100,000.00) Pesos to Three Hundred Thousand (P300,000.00) Pesos and forfeiture of fish catch, fishing equipment and vessels. The ARNP-MB shall also impose an administrative fine ranging from One Hundred Thousand (P100,000.00) Pesos to Three Hundred Thousand (P300,000.00) Pesos and shall confiscate the resources that are subject of the offense, including all equipment, gear and vessels which are all be forfeited in favor of the ARNP.

(3) Where the offender takes, removes, gathers, kills, destroys or possesses corals, except for scientific or research purposes authorized by the ARNP-MB, the penalty shall be imprisonment ranging from six (6) years and one day to twelve (12) years a fine ranging from One Hundred Thousand (P100,000.00) Pesos to Two

Hundred Fifty Thousand (P250,000.00) Pesos and forfeiture of the corals, equipment, gears and vessels. The ARNP-MB shall also impose an administrative fine ranging from One Hundred Thousand (P100,000.00) Pesos to Two Hundred Fifty Thousand (P250,000.00) Pesos and shall confiscate the corals that are the subject of the offense, and all equipment, gears and vessels used in the **commission** of the crime. The same shall be forfeited in favor of the ARNP.

(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 ARNP-MB, other laws, the Department of Agriculture (DA), or the DENR, the penalty of imprisonment ranging six (6) years and one (1) day to twelve (12) years, a fine of not less than One Hundred Thousand (P100,000.00) Pesos to Five Hundred Thousand (P500,000.00) Pesos and confiscation of harvested resources, fishing equipment, gear and vessels shall be imposed on the operator, boat captain, master fisherman, and recruiter or organizer of the fishworkers involved.. The ARNP-MB shall also impose an administrative fine ranging from Four Hundred Thousand (P400,000.00) Pesos to One Million (P1,000,000.00) Pesos.

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

(5) Where the offender gathers or removes pebbles, stones, rocks, sand or other materials or otherwise engages in the quarrying or dredging of any portion of the ARNP, the penalty shall be imprisonment of six (6) years and one day to twelve (12) years a fine of not less than One Hundred Thousand (P100,000.00) Pesos to Two Hundred Fifty Thousand (P250,000.00) Pesos and the substance taken from the habitat, and all equipment and vessels used to commit such violation shall be confiscated and forfeited in favor of the ARNP – MB. The ARNP-MB shall also impose administrative fines ranging from One Hundred Thousand (P100,000.00) Pesos to Seven Hundred Fifty Thousand (P750,000.00) Pesos.

(6) 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, a fine of Five Hundred Thousand (P500,000.00) Pesos to One Million (P1,000,000.00) Pesos for every threatened or endangered organism subject of the offense, confiscation and forfeiture of the harvested species and all equipment, gear and vessels hold in the commission of the crime. In addition the fishing permit of the offender shall be cancelled. The ARNP-MB shall also impose an administrative fine ranging from Five Hundred Thousand (P500,000.00) Pesos to One Million (P1,000,000.00) Pesos for every threatened or endangered organism that is the subject of the offense.

(7) Where the violations of this Section are not covered by the preceding paragraphs, the penalty shall be imprisonment of three (1) years to six (6) years, a fine of not less than One Hundred Thousand (P100,000.00) Pesos but not more than Three Hundred Thousand (P300,000.00) Pesos, and all harvested resources, equipment, gear and vessels used in the commission of the crime shall be confiscated and forfeited in favor of the ARNP. In addition, the fishing permit of the offender shall be cancelled. The ARNP-MB shall also impose an administrative fine ranging from Three Hundred Thousand (P300,000.00) Pesos to One Million (P1,000,000.00) pesos.

SEC. 20. Poaching by Foreigners - It shall be unlawful for any foreigner, foreign corporation or entity to fish, gather and/or purchase or possess any fishery products within the ARNP or to operate any foreign fishing vessel in the ARNP. The entry of any foreign fishing vessel in the ARNP shall constitute *prima facie* evidence that the vessel is engaged in fishing in the area. The presence of any foreign national in a fishing vessel of either Philippine or foreign registry in the ARNP shall be conclusive evidence that the vessel is foreign. Any person found to have violated this provision shall suffer the imprisonment of six (6) years and one (1) day to twelve years (12) years and a fine of One Hundred Thousand (US\$100,000.00) U.S. Dollars, in addition to the confiscation and forfeiture of the harvested resources, fishing equipment and fishing vessel: *Provided*, That in case of non-payment of fine, subsidiary imprisonment shall be imposed: *Provided, further*, That the ARNP-MB shall impose an administrative fine of not less than Fifty Thousand (US\$50,000.00) U.S Dollars, but not more than Two Hundred Thousand (US\$200,000.00) U.S. Dollars or its equivalent in Philippine Currency: *Provided, finally*, That a bond may be posted for the vessels which shall not be less than One Hundred Thousand

(US\$100,000.00) U.S Dollars. A Hold Departure Order shall be issued as a condition for the grant of bail to any foreign offender. All passports and documents which may be used by the accused to flee the country must be surrendered to the court.

SEC. 21. *Violation of Environmental Impact Assessment System* - The ARNP-MB shall prosecute violations against the Environmental Impact Assessment System. Such violations shall be punished by imprisonment of three (3) years to five (5) years, a fine of One Hundred Thousand (P100,000.00) Pesos for every day each violation subsists. In addition, the offender shall cause the immediate rehabilitation of the affected area or bear the cost of the rehabilitation. The vessels, structures, effects, materials, and equipment used, and the products of such violations shall be confiscated and forfeited in favor of the ARNP-MB. If the offender is a corporation, the directors and officers thereof shall suffer the penalty as prescribed above. The ARNP-MB shall also impose an administrative fine of One Hundred Thousand (P100,000.00) Pesos for every day each violation subsists.

SEC. 22. *Violation of Standards* -The owner, operator and top three (3) officers of any vessel violating the standards set by the ARNP-MB, such as, but not limited to, safety and sanitation standards, shall suffer administrative penalty of fine ranging from Twenty Thousand (P20,000.00) Pesos to Fifty Thousand (P50,000.00) Pesos for every day each violation subsists, and suspension of three (3) months to cancellation of the permit to operate within the ARNP.

SEC. 23. *Obstruction of Law Enforcement Officer* - The boat owner, master, operator, officer of any vessel or any person acting on their behalf who evades, obstructs or hinders any law enforcement officer in the ARNP from performing their duty shall be fined Fifty Thousand (P50,000.00) Pesos. In addition, the registration, permit and/or license of the vessel, including the license of the officers thereof shall be cancelled.

SEC. 24. *Common Penal Provision* – (a) If the vessel used in the commission of the violation is owned by a corporation or entity, the fine shall be twice the maximum amount imposed for the offense.

(b) If the vessel used in violation of this Act is foreign owned, the fine shall be thrice the maximum amount imposed for the offense committed without prejudice to the other penalties imposed in Section 21 hereof.

1 (c) The Captain of the vessel shall suffer the maximum duration of the
2 imprisonment for the offense committed.

3 **SEC. 25. *Subsidiary Imprisonment*** - Non-payment of judicial fines imposed
4 under this Act shall be subject to subsidiary imprisonment as provided for by existing
5 laws.

6 **SEC. 26. *Fines and Forfeitures*** - All administrative fines and forfeitures that
7 may be imposed by the ARNP-MB under this Act and the rules and regulations that
8 may be promulgated in pursuit of the goals and objectives of this Act, shall form part
9 of the funds and assets of ARNP.

10 Confiscated or forfeited vessels, structures, effects, materials, and equipment
11 which are not are not necessary for the proper prosecution of the offense charged, may
12 be sold to the ARNP-MB in a public auction. Proceeds of the said sale shall accrue to
13 the ARNP Trust Fund created under Section 29 of this Act.

14 In case the confiscated vessels, structures, effects, materials, and equipment are
15 in *custodia legis*, the ARNP-MB or its counsel, after proper proceedings may move
16 for the sale of the confiscated or forfeited vessels, structures, effects, materials and
17 equipment *pendente lite*: *Provided*, That the said vessels, structures, effects, materials,
18 and equipment is no longer necessary for the proper prosecution of the offense or if
19 the same are necessary but substitute evidence is accepted by the Court. The proceeds
20 of the said sale shall likewise accrue to the ARNP Trust Fund created under Sec. 29 of
21 this Act.

22 **SEC. 27. *Violation of Other Laws*** - Prosecution for violation of this Act shall
23 be without prejudice to the prosecution of the offender for violation of other laws,
24 rules and regulations.

25 **SEC. 28. *Special Prosecutors and Counsels*** - The Department of Justice
26 (DOJ), upon recommendation of the ARNP-MB, shall designate special prosecutors to
27 conduct the necessary preliminary investigation and to prosecute violations of this
28 Act, other laws, rules, and regulations issued by ARNP. Such special prosecutors
29 shall coordinate with the ARNP-MB and the Protected Area Office in the performance
30 of their duties and assist in the training of wardens and rangers in arrest and criminal
31 procedure. The ARNP-MB shall periodically submit an evaluation of the
32 performance of the designated special prosecutors to the DOJ.

The ARNP-MB 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 to defend the members of the ARNP-MB, the PASu and the Protected Area Office staff or persons assisting in the protection, conservation and sustainable development of the ARNP against any legal action related to the performance of their duties and as provided in this Act or as delegated by the ARNP.

SEC. 29. *The Apo Reef Natural Park Trust Fund (ARNPTF)* - There is hereby established a trust fund to be known as the ARNPTF for purposes of financing projects of the system. All income generated from the operation of the system or management of wild flora and fauna therein shall accrue to the said Fund. These incomes shall be derived from fees from permitted sale and export of flora and fauna and other resources from the ARNP, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the ARNP; and such other fees and income derived from the operation of the protected area.

The Fund may be augmented by grants, donations, 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 disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system, and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations: *Provided*, further, That the Fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax, and rentals of local government units facilities. Furthermore, local government units may charge add-ons to fees imposed by the PAMB provided that such add-ons shall be determined based on the contribution of the local government units in the maintenance and protection of the protected area.

SEC. 29-A. *Tax Exemption*. - Any donation or bequest made to the ARNP shall be exempt from donor's tax and the same shall be considered as allowable deduction from the gross income of the donor, in accordance with the provisions of the National Revenue Code of 1997, as amended.

1 **SEC. 30. *Utilization of Resources*** - The exploitation or utilization of non-
2 renewable resources within the ARNP shall not be allowed. Energy projects within
3 the ARNP shall be allowed only through an Act of Congress, except energy from
4 wind, sun, and water sources and not more than one (1) megawatt capacity for mini-
5 hydro power: *Provided*, That these renewable energy projects are established outside
6 the strict protection zone, adopt reduced impact technologies and undergo the
7 Environmental Impact Assessment (EIA) system as provided by law: *Provided*,
8 *further*, That the endorsement of the ARNP-MB has been obtained.

9 **SEC. 31. *Appropriations*** - The Secretary of the DENR shall immediately
10 include in the Department's program the implementation of this Act, the funding of
11 which shall be included in the Annual General Appropriations Act.

12 **SEC. 32. *Construction and Suppletory Application of Existing Laws*** - The
13 provisions of this Act shall be construed liberally in favor of achieving biodiversity
14 conservation, protection and sustainable development. Provisions of Republic Act No.
15 7586, otherwise known as the National Integrated Protected Areas System (NIPAS)
16 Act of 1992 and existing forestry laws, and their corresponding rules and regulations
17 not inconsistent hereto shall have the suppletory effect in the implementation of this
18 Act.

19 **SEC. 33. *Repealing Clause*** - For the purpose of this Act. Sections 11, 15, 16,
20 20, and 21 of the Republic Act No. 7586 are hereby modified. The prohibition and
21 penalties under Republic Act No. 7586 are hereby superseded for the entire area
22 covered by this Act. All other laws, rules and regulations inconsistent with this Act
23 are hereby repealed or modified accordingly

24 **SEC. 34. *Separability Clause*** - The provisions of this Act are hereby declared to
25 be separable, and in the event one or more of such provisions are held
26 unconstitutional, the validity of other provisions shall not be affected thereby.

27 **SEC. 35. *Effectivity Clause*** - This Act shall take effect fifteen (15) days after
28 publication in the *Official Gazette* or two newspapers of general circulation.

29

30 Approved,

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3294

Introduced by: HON. MA. AMELITA A. CALIMBAS - VILLAROSA

EXPLANATORY NOTE

This bill seeks to establish the Grand Apo Reef in Sablayan, Occidental Mindoro as a protected area under the category of natural park and its peripheral waters as buffer zones, providing the framework for the sustained management of its wide variety of marine life and development of the park as a tourist destination.

Apo reef is the second largest atoll-like reef in the world and the largest coral reef in the Philippines. It is vital nesting ground for migratory birds and endemic species of wildlife like the endangered Nicobar Pigeon (*Caloenas nicobarica*), Green Sea Turtle (*Chelonia mydas*) and Hawkbill Turtle (*Eremochelys imbricate*).

Rare corals of no less than 197 species and sea creatures of 385 species are commonly spotted around the reefs, particularly tropical aquarium fish and pelagic species such as jacks, tuna, barracudas, dolphins and sharks. Many divers have been treated to sights of majestic manta, stingrays, crevice-dwelling morays, blennies and gobies.

Apo Reef was declared as a Protected Area in September 6, 1996 by virtue of Presidential Proclamation No. 868. Prior to the said declaration, it was proclaimed a Marine Reserve under Proclamation No. 1801 in 1980 and as a Tourist Zone and Marine Reserve in the Municipality of Sablayan, Occidental Mindoro under Municipal Resolution No. 1108 in 1983.

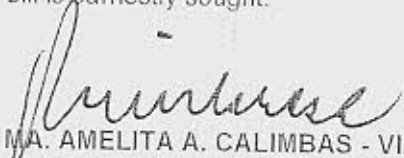
In the past, Apo Reef was plagued by old threats and problems such as illegal fishing, poaching and careless diving often brought on by human need, ignorance and indifference. Chosen as one of the ten (10) priority sites under the Conservation of Priority Protected Areas, Apo Reef made a quantum leap in regaining its world class grandeur as an Underwater Paradise. At present, Apo Reef, a 34 square kilometers atoll-like reef teeming with diverse corals, fishes, marine mammals and invertebrates, is a dream destination for many avid divers.

More importantly it must be reckoned with that the conservation of Apo Reef has a tremendous impact on food security for millions of Filipinos. The atoll serves as a prolific replenishment area for the country's declining fisheries.

Apo reef is at risk because it lacks adequate manpower and financial support for its sustained protection and conservation.

Said bill was approved on Third Reading by the House of Representatives (14th Congress) on February 24, 2009 and approved on Third Reading by the Senate (14th Congress) on January 8, 2010. Due to lack of material time before the 14th Congress ended, subject bill was not passed.

In view of the foregoing, the passage of this bill is earnestly sought.


MA. AMELITA A. CALIMBAS - VILLAROSA

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3294

Introduced by: HON. MA. AMELITA A. CALIMBAS – VILLAROSA

AN ACT DECLARING THE GRAND APO REEF, LOCATED IN THE MUNICIPALITY OF SABLAYAN, PROVINCE OF OCCIDENTAL MINDORO, AS A PROTECTED AREA UNDER THE CLASSIFICATION OF NATURAL PARK AND ITS PERIPHERAL WATERS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

1 **SECTION 1. Title.** – This Act shall be known as the "Grand Apo Reef
2 Natural Park Act."

3 **SEC. 2. Declaration of Policy.** – Considering the rich biodiversity of the
4 Grand Apo Reef and its vital role in the fishery and eco – tourism industries in the
5 country, it is hereby declared the policy of the state to ensure its protection and
6 conservation, including its associated waters and islands. As such, the State
7 shall ensure the mobilization of resources for the operation of the institutional
8 mechanism established for the Grand Apo Reef and the provision of scientific
9 and technical support needed for the conservation of the biodiversity and
10 integrity of its ecosystem.

11 **SEC. 3. Coverage and Scope.** – The boundaries of the Grand Apo Reef
12 Natural Park, which is located in the Municipality of Sablayan, Province of
13 Occidental Mindoro, contain an area of fifteen thousand seven hundred ninety –
14 two (15,792) hectares, and is more particularly described as follows:

Control Points	CM (°)	LATITUDE	LONGITUDE	Northings (Meters)	Eastings (Meters)
1	123	12° 44' 47"	120° 27' 22"	1,410,356.242	223,773.809
2	123	12° 41' 11"	120° 33' 44"	1,403,605.497	235,240.033
3	123	12° 35' 47"	120° 29' 57"	1,393,709.839	228,292.637
4	123	12° 39' 18"	120° 23' 46"	1,400,336.616	217,153.893

Any modification of the coverage and scope of this Act due to factors such as changing ecological conditions, new scientific or archeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an Act of Congress after full consultation with the affected public and concerned government agencies.

SEC. 4. Buffer Zones.- Buffer zones surrounding the protected area, containing an area of Forty-four thousand six hundred sixty-three and four hundredth seventy-five (44,663.475) hectares, are likewise hereby established, with the following boundaries:

CONTROL POINTS	CM(°)	LATITUDE	LONGITUDE	NORTHINGS (METRES)	EASTINGS (METRES)
1	123	12° 46' 14"	120° 27' 22"	1,413,043.227	223,151.990
2	123	12° 49' 09"	120° 37' 32"	1,418,718.531	242,164.582
3	123	12° 37' 41"	120° 42' 10"	1,396,877.891	250,352.673
4	123	12° 34' 20"	120° 30' 16"	1,391,042.803	228,863.890
5	123	12° 38' 57"	120° 22' 12"	1,399,689.788	214,329.441

The buffer zones are established for the purpose of forming an extra layer of protection from users of nearby sea-lanes and other threats to the protected area.

SEC. 5 Land Classification.- All lands and waters of the public domain within the coverage and scope of this Act, inclusive of the protected area and its buffer zone described in Section 4, shall fall under the classification of national park pursuant to the 1987 Philippine Constitution.

1 **SEC. 6. Definition of Terms.-** The following terms are hereby defined for
2 the purpose of this Act:

3 "*Accredited NGOs/POs*" shall refer to groups, organizations or associations
4 that satisfactorily comply with the accreditation process for non-government
5 organizations and people's organizations by the Sangguniang Bayan of Sablayan
6 pursuant to Republic Act No. 7160 or The Local Government Code of 1990.

7 "*Department*" shall refer to the Department of Environment and Natural
8 Resources.

9 "*Non-renewable resources*" shall refer to those resources found within the
10 protected area and its buffer zones, the natural replenishment rate of which is
11 either not known or takes more than twenty-five (25) years.

12 "*Passive fishing gear*" shall refer to any means of catching, gathering, or
13 collecting fish or aquatic products that does not alter the capacity of the
14 ecosystem to replenish itself nor harm any protected species or the young of any
15 marine species.

16 "*Plan*" shall refer to the management plan for the protection and
17 conservation of the Grand Apo Reef Natural Park.

18 "*Protected species*" shall refer to any species of plants, animals or
19 microorganisms declared as protected under Philippine laws, rules and
20 regulations or international agreements/conventions wherein the Philippines is a
21 signatory, or as provided in the management plan pursuant to this Act.

22 "*Secretary*" shall refer to the Secretary of the Department.

23 "*Task Force*" shall refer to the Multi-sectoral Marine Law Enforcement Unit.

24 **SEC. 7. Administration and Management.-** The Grand Apo Reef Natural
25 Park is hereby placed under the control and administration of the Department
26 through the Protected Area Management Board (**PAMB**).

27 **SEC. 8. Institutional Mechanisms.-** The following administrative and
28 policy-making mechanisms are hereby adopted for the Grand Apo Reef Natural
29 Park:

30 A. The PAMB - There is hereby established a PAMB which shall be the policy
31 making body for the protected area. It shall be composed of:

1. The Department's Regional Executive Director (RED) for Region IV-B, as Chairperson;
2. The Representative of the Lone District of Occidental Mindoro;
3. The Provincial Planning and Development Officer of Occidental Mindoro;
4. The Representative of the Office of the Mayor of Sablayan;
5. The President of the Liga ng Barangay chosen by and from among the barangay captains of the ten coastal barangays of Sablayan;
6. The municipal agriculturist of Sablayan, Occidental Mindoro;
7. The municipal environment and natural resources officer of Sablayan, Occidental Mindoro;
8. At least two representatives from accredited environmental NGOs operating within Sablayan, chosen from among themselves in a meeting duly called for the purpose;
9. At least two representatives from accredited POs from the fisher folk sector operating within the Municipality of Sablayan, chosen from among themselves in a meeting duly called for the purpose;
10. One representative from the Municipal Fisheries and Aquatic resources Management Council (MFARMC) of Sablayan, chosen from among themselves in a meeting duly called for the purpose.

Each member of the PAMB shall serve for a term of three years and shall be considered to represent his or her sector and deemed to carry the vote of such sector in all matters. In the case of government officials, the term of their membership in the PAMB shall be coterminous with their office or unless sooner terminated by the head of the agency being represented.

B. Powers and Functions of the PAMB.- The PAMB shall exercise the following powers and functions:

1. Decide on matters relating to planning, resource protection, and general administration of the area in accordance with the approved management plan;
2. Approve proposals, work plans, action plans, and guidelines for the management of the protected area in accordance with the approved management plan;

3. Delineate and demarcate protected area boundaries and buffer zones;
4. Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development consistent with the management plan of the protected area;
5. Ensure the implementation of programs as prescribed in the management plan in order to provide employment to the people dwelling in and around the protected area;
6. Control and regulate the construction, operation, and maintenance of infrastructures within the protected area;
7. Monitor and evaluate the performance of protected area personnel, NGOs, and the communities and report their assessments to the NIPAS Policy and Program Steering Committee;
8. Issue rules and regulations to prohibit and regulate acts that may be prejudicial to the protected area and the policy declaration herein set forth.

The Department, through the RED for Region IV-B, shall exercise authority over the PAMB to ensure that the latter acts within the scope of its powers and functions. In case of conflict between administrative orders issued by the Department pursuant to Republic Act No. 7586 or the National Integrated Protected Areas System Act of 1992 (**NIPAS Act**) for national application and the rules and regulations issued by PAMB, the PAMB shall notify the Secretary who shall decide whether to apply the rule or withdraw its application to the site.

C. The PASu Office.- There is hereby established a PASu Office in charge of the management, protection and administration of the Grand Apo Reef Natural Park. The PASu Office shall be assisted by the existing personnel of the Department. The head of office shall be the chief operating officer and shall be accountable to the Department's RED for Region IV-B and the PAMB. The PASu shall have the following powers and functions:

1. Act as head of the secretariat for the PAMB;
2. Establish partnership with the local community including groups interested in the achievement of the goals and objectives of the protected area;

- 1 3. Develop and implement a park information, education, and visitor
2 program;
- 3 4. Enforce the laws, rules and regulations relevant to the protected area
4 and assist in the prosecution of offenses;
- 5 5. Supervise all activities within the protected area for conformity with the
6 management plan;
- 7 6. Accept, in the name of the Grand Apo Reef Natural Park, funds,
8 donations, gifts, or bequests or property for the support of its programs
9 and services; and
- 10 7. Perform such other functions as the PAMB may assign.

11 **SEC. 9. Protection and Conservation Plan.-** The PASu shall take the lead
12 in the preparation of the management plan and all successor plans in
13 coordination with the appropriate offices of the Department, local communities,
14 NGOs and POs which shall be reviewed and approved by the PAMB and certified
15 to by the Secretary: *Provided, however,* That the Secretary may revise and modify
16 the management plan, as submitted for certification, to ensure its conformity with
17 the laws and applicable rules and regulations, after consultation with the PAMB.

18 Within one year from the effectivity of this Act, the management plan shall
19 have been put into effect following the General Management Planning Strategy
20 provided for under the NIPAS Act and according to the procedure set forth in this
21 Act. The management plan shall contain, among others, the following:

- 22 (a) the category of the protected area;
- 23 (b) period of applicability of the plan;
- 24 (c) key management issue;
- 25 (d) goals and objectives of management in support of Section 2 hereof;
- 26 (e) site management strategy; and
- 27 (f) major management activities such as, but not limited to enforcement
28 of laws, habitat and wildlife management, sustainable use
29 management, eco-tourism development and maintenance,
30 information, education, and communication (IEC).

31 One year before the expiration of the period of the applicability of the
32 existing management plan, the PASu shall cause the publication of notices for

1 comments and suggestions on the next successor plan in a newspaper of local
2 circulation in the Municipality of Sablayan and the posting of such notices in the
3 provincial, municipal and barangay halls, in three other areas frequented by the
4 public and on Grand Apo Reef. Public hearings may be conducted on the
5 successor plan.

6 The zoning of the protected area shall give primary consideration to the
7 traditional zones that have been sustainably used by fisher folks for an
8 appreciable length of time, unless such uses are deemed detrimental to
9 biodiversity and protection of its natural characteristics.

10 **SEC. 10. Prohibited Acts and Penalties.-** A fine of not less than Five
11 thousand pesos (P5,000.00) nor more than Five hundred thousand pesos
12 (P500,000.00) or imprisonment of not less than one (1) year nor more than six (6)
13 years, or both, as determined by the Court, shall be imposed upon any person
14 who:

- 15 1. Hunts, destroys, collects, disturbs, or possesses anywhere within the
16 Grand Apo Reef Natural Park and its adjoining buffer zone any plants
17 or animals, sand, coral, rocks or products derived from the area without
18 a protected area permit;
- 19 2. Possesses outside the protected area any wild plants or animals or
20 products derived from the area without a protected area permit;
- 21 3. Explores or extracts minerals within the protected area and its buffer
22 zone;
- 23 4. Fish within the protected area and its buffer zone, using explosives,
24 noxious substances, electricity or nets below three centimeters in size
25 from knot to knot when stretched, or by any other destructive fishing
26 method as may be determined by law, regulations and ordinances;
- 27 5. Hunts, collects, removes or destroys any endangered or protected
28 species;
- 29 6. Drops anchor within the protected area except in the designated sites
30 or where there is a danger to life or property which necessitates such
31 act;

- 1 7. Throws, dumps or causes to be dumped into the sea within the
2 protected area and its buffer zone any non-biodegradable material or
3 other substance deleterious to marine life;
- 4 8. Fish in the protected area and its buffer zone without a protected area
5 permit;
- 6 9. Violates duly published rules and regulations issued by the PAMB for
7 the protection and conservation of the protected area;
- 8 10. Erects any permanent structure on land or on water for any purpose
9 outside the management plan: *Provided, That* permanent structures
10 intended for marine safety and determined to be urgently necessary,
11 before the next management plan shall have taken effect, shall be
12 exempted from this prohibition; and
- 13 11. Possesses or deals with explosives or noxious substances within the
14 protected area.

15 Valuation of the damage shall take into account biodiversity and
16 conservation considerations as well as aesthetic and scenic values.

17 **SEC. 11. Special Prosecutors.-** Within thirty days from the effectivity of
18 this Act, the Department of Justice shall appoint a special prosecutor to whom all
19 cases for violation of laws, rules and regulations in the protected area shall be
20 assigned. The special prosecutor shall coordinate with the PAMB and the PASu
21 in the performance of his/her duties and shall assist in the training of the Grand
22 Apo Reef Natural Park personnel in arrest and criminal procedures. Whenever
23 resources of the PAMB would allow, special private prosecutors may be
24 appointed to act under the control and supervision of the special prosecutor.

25 **SEC. 12. Local Government Units.-** The Municipality of Sablayan, its
26 coastal barangays and the provincial government of Occidental Mindoro shall
27 participate in the management of the Grand Apo Reef Protected Area through
28 representation in the PAMB as provided under Section 8.

29 **SEC. 13. Grand Apo Reef Protected Area Fund (GARPAF).-** There is
30 hereby established a trust fund to be known as the Grand Apo Reef Protected
31 Area Fund for purposes of financing projects of the system. All income generated
32 from the operation of the system or management of wild flora and fauna in the

1 protected area shall accrue to the Fund. These income shall be derived from fees
2 from permitted sale and export of flora and fauna and other resources from the
3 protected area, proceeds from lease of multiple-use areas, contributions from
4 industries and facilities directly benefiting from the protected area; and such other
5 fees and income derived from the operation of the protected area.

6 The Fund may be augmented by grants, donations, endowment from
7 various sources, domestic or foreign for purposes related to their functions:
8 *Provided*, That the Fund shall be deposited as a special account in the National
9 Treasury and disbursements therefrom shall be made solely for the protection,
10 maintenance, administration, and management of the system, and duly approved
11 projects endorsed by the PAMB in accordance with existing accounting and
12 budgeting rules and regulations: *Provided, further*, That the Fund shall not be
13 used to cover personal services expenditures.

14 The LGUs shall continue to impose and collect all other fees not
15 enumerated herein which they have traditionally collected, such as business
16 permits, property tax, and rentals of local government units facilities.
17 Furthermore, local government units may charge add-ons to fees imposed by the
18 PAMB provided that such add-ons shall be determined based on the contribution
19 of the local government units in the maintenance and protection of the protected
20 area.

21 **SEC. 14. Utilization of Non-Renewable Resources.-** Any exploration or
22 utilization of non-renewable resources within the Grand Apo Reef Natural Park
23 and its buffer zone shall not be allowed. Energy projects, whether renewable or
24 otherwise, shall be permitted only through an Act of Congress: *Provided*, That the
25 exploitation of renewable energy up to three megawatts capacity shall be exempt
26 from such requirement.

27 **SEC. 15. Appropriations.-** The Secretary shall immediately include in the
28 Department's program the implementation of this Act, the funding of which shall
29 be included in the annual General Appropriations Act.

30 **SEC. 16. Repealing Clause.-** All laws, rules and regulations inconsistent
31 with this Act are hereby repealed or modified accordingly.

1 **Sec. 17. *Separability Clause.***- If any part or section of this Act is
2 declared by the courts as unconstitutional, such declaration shall not affect the
3 other parts or sections.

4 **Sec. 18. *Effectivity Clause.***- This Act shall take effect fifteen days after
5 its publication in the Official Gazette or in a national newspaper of general
6 circulation readily available in the area. It shall be translated in English and
7 Filipino and shall likewise be posted for three weeks in the appropriate language
8 in a conspicuous place in the provincial, municipal and barangay halls within the
9 area as well as in three other places frequented by the public.

10 Approved,

MtvOct2008



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

HON. JOSEPH EMILIO A. ABAYA

*Congressman, 1st District, Cavite
Chairman, Committee on Appropriations*



May 16, 2011

HON. FRANCISCO T. MATUGAS

Chairman
Committee on Natural Resources
House of Representatives

Dear Chairman Matugas:

Please be informed that the Committee on Appropriations recommends the approval of the following measures:

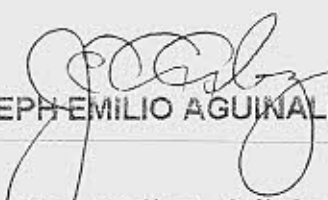
1. House Bill No. 3294, titled "AN ACT DECLARING THE GRAND APO REEF, LOCATED IN THE MUNICIPALITY OF SABLAYAN, PROVINCE OF OCCIDENTAL MINDORO, AS A PROTECTED AREA UNDER THE CLASSIFICATION OF NATURAL PARK AND ITS PERIPHERAL WATERS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES", without amendment, and
2. Substitute Bill to House Bill No. 3087, titled "AN ACT ESTABLISHING THE AREA COVERED BY THE NORTHERN NEGROS FOREST RESERVE SITUATED IN THE CITIES OF TALISAY, SILAY, VICTORIAS, CADIZ, SAGAY AND SAN CARLOS AND THE MUNICIPALITIES OF E.B. MAGALONA, MURCIA, TOBOSO, CALATRAVA AND DON SALVADOR BENEDICTO, ALL IN THE PROVINCE OF NEGROS OCCIDENTAL, AS A PROTECTED AREA, TO BE KNOWN AS THE NORTHERN NEGROS NATURAL PARK, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES", with amendment as follows:

1. On Section 20, page 43, lines 36 to 42, delete the entire paragraph and in lieu thereof substitute the following:

THE PAMB SHALL HAVE THE POWER TO DISBURSE THE IPAF. TWENTY-FIVE PER CENT (25%) OF THE IPAF SHALL BE REMITTED TO THE CENTRAL IPAF FUND IN SUPPORT OF THE NIPAS: *PROVIDED*, THAT AT LEAST SEVENTY-FIVE PER CENT (75%) THEREOF SHALL BE ALLOCATED TO THE NNNP FUND: *PROVIDED FURTHER*, THAT ALL DONATIONS, GRANTS, CONTRIBUTIONS FROM LOCAL AND FOREIGN SOURCES SHALL ACCRUE TO THE NNNP FUND.

Thank you and warmest regards.

Very truly yours,


JOSEPH EMILIO AGUINALDO ABAYA

cc:

Hon. Amelita A. Calimbas-Villarosa
Hon. Alfredo D. Maranon



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Committee on Ways and Means
Quezon City, Metro Manila



March 13, 2012

HON. FRANCISCO T. MATUGAS
Chairman
Committee on Natural Resources

Dear Chairman Matugas:

The Committee on Ways and Means, in its meeting today, has approved the tax provisions on the following Unnumbered Substitute Bills, subject to the following amendments:

1. Unnumbered Substitute Bill entitled "ACT ESTABLISHING THE APO REEF LOCATED IN SABLAYAN, OCCIDENTAL MINDORO AS PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK AND ITS PERIPHERAL WATERS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES" and "AN ACT DECLARING THE AGUSAN MARSH WILDLIFE SANTUARY AS A PROTECTED AREA AND AS A SPECIAL ECOLOGICAL TOURISM ZONE, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES." (tax provision be specified in a separate section, to be read as follows:)

"SEC. 29-A. TAX EXEMPTION. - ANY DONATION OR BEQUEST MADE TO THE ARNP SHALL BE EXEMPT FROM DONOR'S TAX AND THE SAME SHALL BE CONSIDERED AS ALLOWABLE DEDUCTION FROM THE GROSS INCOME OF THE DONOR, IN ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED."

2. Unnumbered Substitute Bill entitled "AN ACT DECLARING THE AGUSAN MARSH WILDLIFE SANTUARY AS A PROTECTED AREA AND AS A SPECIAL ECOLOGICAL TOURISM ZONE, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES." (tax provision be specified in a separate section, to be read as follows:)

"SEC. 15. TAX EXEMPTION ON DONATION - ANY DONATION OR BEQUEST MADE TO THE AMWS FUND SHALL BE EXEMPT FROM DONOR'S TAX AND THE SAME SHALL BE CONSIDERED AS ALLOWABLE DEDUCTION FROM THE GROSS INCOME OF THE DONOR, IN ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED."

Thank you very much.

Very truly yours,


ISIDRO T. UNGAB
Chairman

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

COMMITTEE ON NATURAL RESOURCES

MINUTES OF THE 3rd REGULAR MEETING OF THE COMMITTEE ON NATURAL RESOURCES HELD ON THE 26th OF JANUARY 2011 (WEDNESDAY), 1:30 P.M., CONFERENCE ROOM NOS. 3 AND 4, SPEAKER RAMON V. MITRA, JR. BUILDING, HOUSE OF REPRESENTATIVES, QUEZON CITY

MEMBERS PRESENT

Hon. Francisco T. Matugas	-	Chairman / Presiding Officer
Hon. Erico Basilio A. Fabian	-	Member
Hon. Alfredo D. Marañon III	-	Member
Hon. Philip A. Pichay	-	Member
Hon. Peter M. Unabia	-	Member
Hon. Aurora Enerio-Cerilles	-	Member
Hon. Sharon S. Garin	-	Member
Hon. Herminia B. Roman	-	Member
Hon. Loreto Leo S. Ocampos	-	Member
Hon. Raymond Democrito C. Mendoza	-	Member
Hon. Rufus B. Rodriguez	-	Member
Hon. Roger G. Mercado	-	Member
Hon. Jesus N. Sacdalan	-	Member
Hon. Jose S. Aquino II	-	Member

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 1:30 p.m., with the Honorable Francisco T. Matugas, Chairman of the Committee, presiding. Thereafter, on a motion made and duly seconded, the calling of the roll was dispensed with.

II. READING/APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

The reading of the minutes of the previous meeting was dispensed with and the same was approved.

III. ACKNOWLEDGMENT OF GUESTS/RESOURCE PERSONS

Upon instruction of the Chairman, the Committee Secretary acknowledged the guests and resource persons.

IV. OPENING REMARKS BY THE CHAIR

Hon. Francisco T. Matugas acknowledged the Members of the committee who were present. He exhorted everybody present to participate earnestly so that the output of the deliberation's in Congress will reflect the true will of the people.

V. DELIBERATION OF THE FOLLOWING MEASURES:

- A. **House Bill No. 3087**, entitled: *"AN ACT DECLARING THE NORTHERN NEGROS NATURAL PARK LOCATED IN THE PROVINCE OF NEGROS OCCIDENTAL, AS PROTECTED AREA PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES,"* introduced by Hon. Alfredo D. Marañon
- B. **House Bill No. 3294**, entitled: *"AN ACT DECLARING THE GRAND APO REEF, LOCATED IN THE MUNICIPALITY OF SABLAYAN, PROVINCE OF OCCIDENTAL MINDORO, AS A PROTECTED AREA UNDER THE CLASSIFICATION OF NATURAL PARK AND ITS PERIPHERAL WATERS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES,"* introduced by Hon. Ma. Amelita A. Calimbas-Villarosa
- C. **House Bill No. 3623**, entitled: *"AN ACT DECLARING CERTAIN PORTIONS OF LAND IN BARANGAY COMBADO, MAASIN CITY, SOUTHERN LEYTE, AS ALIENABLE AND DISPOSABLE LANDS,"* introduced by Hon. Roger G. Mercado
- D. **House Bill No. 851**, entitled: *"AN ACT RECLASSIFYING PORTION OF ROOSEVELT PROTECTED LANDSCAPE LOCATED IN THE MUNICIPALITIES OF DINALUPIHAN AND HERMOSA, PROVINCE OF BATAAN AS ALIENABLE AND DISPOSABLE LAND,"* introduced by Hon. Herminia B. Roman

Honorable Philip A. Pichay moved for the omnibus approval of *House Bill Nos. 087, 3294, and 3623*, noting that said measures were already approved on 3rd reading the previous congress. With the motion being duly seconded, the measures were approved.

House Bill No. 851 was approved subject to submission of verification study by Protected Area and Wildlife Bureau (PAWB) and National Mapping and Resources Information Authority (NAMRIA) on the actual coverage of the proposal, in accordance with present land classification standards.

-
- E. **House Bill No. 423**, entitled: *"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,"* introduced by Hon. Erico Basillio A. Fabian

- F. **House Bill No. 560**, entitled: *"AN ACT ESTABLISHING THE AURORA INTEGRATED PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES,"* introduced by Hon. Juan Edgardo "Sonny" M. Angara
- G. **House Bill No. 850**, entitled: *"AN ACT ESTABLISHING THE BATAAN NATURAL PARK, SUBIC WATERSHED FOREST RESERVE AND ROOSEVELT PROTECTED LANDSCAPE SITUATED IN THE MUNICIPALITIES OF DINALUPIHAN, HERMOSA, ORANI, SAMAL, ABUCAY, BAGAC AND MORONG IN THE PROVINCE OF BATAAN AND IN THE MUNICIPALITY OF SUBIC, PROVINCE OF ZAMBALES AND THE CITY OF OLONGAPO, AS ONE PROTECTED AREA UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES,"* introduced by Hon. Herminia B. Roman
- H. **House Bill No. 852**, entitled: *"AN ACT DECLARING BUUG NATIONAL BIOTIC AREA LOCATED IN THE MUNICIPALITY OF BUUG, PROVINCE OF ZAMBOANGA SIBUGAY AS A PROTECTED AREA UNDER THE CATEGORY OF NATURAL BIOTIC AREA AND ITS PERIPHERAL AREAS AS BUFFER ZONES PROVIDING FOR ITS MANAGEMENT AND OTHER PURPOSES,"* introduced by Hon. Jonathan Cabilao Yambao
- I. **House Bill No. 3219**, entitled: *"AN ACT ESTABLISHING THE SAMAR ISLAND NATURAL PARK (SINP), SITUATED IN THE PROVINCES OF SAMAR, NORTHERN SAMAR AND EASTERN SAMAR, AS A PROTECTED AREA AND ITS PERIPHERAL AREAS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT PURSUANT TO REPUBLIC ACT 758 (NIPAS ACT OF 1992) AND FOR OTHER PURPOSES,"* introduced by Hon. Ben P. Evardone
- J. **House Bill No. 3437**, entitled: *"AN ACT ESTABLISHING THE SAMAR ISLAND NATURAL PARK (SINP), SITUATED IN THE PROVINCES OF SAMAR, NORTHERN SAMAR AND EASTERN SAMAR, AS A PROTECTED AREA AND ITS PERIPHERAL AREAS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT PURSUANT TO REPUBLIC ACT 758 (NIPAS ACT OF 1992) AND FOR OTHER PURPOSES,"* introduced by Hon. Emil L. Ong
- K. **House Bill No. 174**, entitled: *"AN ACT BANNING THE CATCHING, SALE, PURCHASE, POSSESSION, TRANSPORTATION AND EXPORTATION OF ALL SHARKS AND RAYS IN THE COUNTRY AND FOR OTHER PURPOSES,"* introduced by Hon. Gloria Macapagal-Arroyo
- L. **House Bill No. 3521**, entitled: *"AN ACT DECLARING SEPTEMBER 26 OF EVERY YEAR AS "SAVE SIERRA MADRE DAY" AND FOR OTHER PURPOSES,"* introduced by Hon. Ma. Theresa B. Bonoan-David

Honorable Erico Basilio Fabian moved for the deferment of *House Bill No. 423*, currently being negotiated through a proposed Memorandum of Agreement (MOA) between the Department of Environment and Natural Resources, Department of Tourism (DOT) and the City of Zamboanga. The City Government of Zamboanga is proposing to take over the administration of the Great and Little Sta. Cruz Islands.

House Bill No. 850 was also deferred because the Subic-Base Metropolitan Authority (SBMA), one of the foremost stakeholders affected by the measure, was not represented.

House Bill Nos. 560, 852, 3219, 3437, 174, 3521 were also deferred because the authors were not present.

VI. OTHER MATTER

Letter of Hon. Jesus F. Celeste for an ocular inspection prior to the conduct of an in-house public hearing on House Resolution 715, entitled: *"INQUIRY RE: ILLEGAL CONTRUCTION OF DIKES AND OTHER FISH PRODUCTION INFRASTRUCTURES ON THE HUNDRED ISLANDS NATIONAL PARK IN ALAMINOS, PANGASINAN"*, introduced by Honorable Jesus F. Celeste

The members present agreed to direct the government agencies concerned to conduct appropriate investigation and submit their findings to the committee, before initiating its own investigation pursuant to HR 715.

VII. ADJOURNMENT

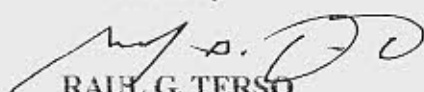
The meeting was adjourned at 02:30 p.m.

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING.

Prepared by:


DECEEREE EWEN R. MADAMBA
Legislative Staff Officer IV

Noted by:


RAUL G. TERSO
Committee Secretary

Approved by:

HON. FRANCISCO T. MATUGAS
Chairman