

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 1011



Introduced by: REPRESENTATIVE SALVIO B. FORTUNO

EXPLANATORY NOTE

The *sinarapan* (*Mistichthys luzonensis*), an endemic fish species considered to be the smallest commercial fish in the world which are found in Lake Buhi and in the waters surrounding Mt. Asog in the City of Iriga, Camarines Sur are facing possible extinction if no concrete action will be done by the government for its preservation and conservation.

Being a much sought-after delicacy in my District and even in nearby municipalities in Albay, the *sinarapan* started to dwindle since the early 1990's with the advent of motorized commercial fishing. For this reason, the municipal government of Buhi, Province of Camarines Sur from which a large number of this exotic fish can be found passed a Municipal Ordinance in 2006 banning the capture of the *sinarapan* and established a sanctuary in Lakes Manapao and Katugday, where this fish specie was raised for restocking into Lake Buhi.

This bill seeks to place Lakes Manapao, Makua and Katugday in the Municipality of Buhi, Camarines Sur and Lake Danao in Malinao, Albay as protected areas under the category of wildlife sanctuary complete with institutional and enforcement mechanisms.

It is the paramount objective of this important legislative measure to make this local initiative a national policy in order to ensure its preservation and conservation as this will already involve agencies of the national government.

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


REP. SALVIO B. FORTUNO
Fifth District, Camarines Sur

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 1011

Introduced by: REPRESENTATIVE SALVIO B. FORTUNO

AN ACT
ESTABLISHING A SINARAPAN SANCTUARY IN THE PROVINCES OF
CAMARINES SUR AND ALBAY AS A PROTECTED AREA UNDER THE CATEGORY
OF WILDLIFE SANCTUARY, PROVIDING FOR ITS MANAGEMENT AND FOR
OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the “Sinarapan Sanctuary (SS) Act of 2013”.

SEC. 2. Declaration of Policy. – Considering the diversity of the unique biological resources of the Provinces of Camarines Sur and Albay and its aesthetic, educational, socio-cultural, economic and ecological importance, it is hereby declared a policy of the State to ensure its protection and conservation, including the local communities therein and their cultural and way of life insofar as they are in harmony with nature.

In so doing, the State shall ensure the full implementation of this Act, the mobilization of resources for the institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems, culture and religious practices.

All lands comprising the Sinarapan Sanctuary (SS) shall fall under the classification of National Park as provided for in the Constitution.

SEC. 3. Scope and Coverage. – The boundaries of the SS, which falls under the category of Wildlife Sanctuary as defined herein, in the Provinces of Camarines Sur and Albay, are as follows:

A. Lake Manapao

Beginning at corner “2”, a point located S75°05'E, which is 712.296 meters from GPS Control Point BUHI No. 2, to control 1 with longitude 123°28'19.10" and latitude 13°24'58.34",

Corner	Bearing	Distance (M)
2	N 76°55'00"W	28.32
3	N 08°10"W	61.33
4	N 47°51'00"E	58.47
5	N 63°18'00"E	49.06
6	N 35°30'00"E	44.95
7	S 74°48'00"E	55.05
8	S 60°47'00"E	46.43
9	S 49°38'00"E	75.55
10	S 10°19'00"E	23.01
11	S 34°15'00"W	51.04
1	S 86°02'00"W	204.06

the point of beginning containing an area of two and 71/100 (2.71) hectares.

B. Lake Makuao

Beginning at corner "3", a point located N 75°08"W, about 138.333 meters from GPS Control Point BUHI No. 3 to corner 1 with longitude 123°29'1.51" and latitude 13°25'19.16",

Corner	Bearing	Distance (M)
2	N 83°51'00"W	35.73
3	N 70°28'00"W	59.04
4	N 05°03'00"E	63.32
5	N 54°31'00"E	61.48
6	S 66°34'00"E	46.29
7	S 18°27'00"E	56.83
1	S 26°32'00"W	55.81

the point of beginning containing an area of one and 03/100 (1.03) hectares.

C. Lake Katugday

Beginning at corner "5" a point located S16°15'W, which is about 533.870 meters from GPS Control Point BUHI No.5, to corner 1 and with longitude 123°29'25.02" and latitude 13°25'35.42",

Corner	Bearing	Distance (M)
2	S 45°52'00"E	49.23
3	S 20°11'00"W	49.10
4	S 26°28'00"W	83.42
5	S 26°58'00"W	42.95
6	S 28°44'00"W	157.39
7	S 27°10'00"W	50.10
8	N 66°11'00"W	19.71
9	N 02°04'00"E	105.61
1	N 24°03'00"E	287.37

the point of beginning containing an area of two and 43/100 (2.43) hectares.

D. Lake Danao

Beginning at corner "20" a point located S32°12'E, about 906.042 meters from MBM No. 20 Cad - 249 Malinao, Albay, to corner 1 and with longitude 123°29'15.73" and latitude 13°26'3.63",

Corner	Bearing	Distance (M)
2	S 72°42'00"E	95.79
3	S 72°17'00"E	49.70
4	S 49°04'00"E	73.09
5	S 15°26'00"E	72.93
6	S 04°19'00"W	58.24
7	S 15°21'00"W	140.89

8	S 57°05'00"W	36.86
9	N 85°27'00"W	33.81
10	N 54°18'00"W	27.82
11	N23°22'00"W	89.26
12	N 62°02'00"W	29.34
13	S 48°19'00"W	30.56
14	N 88°25'00"W	134.70
15	N 69°39'00"W	22.54
16	N 20°34'00"W	67.44
17	N 01°17'00"W	121.16
18	N 45°16'00"E	75.59
19	N 70°43'00"E	59.76
20	N 82°56'00"E	39.21
1	N 76°28'00"E	33.72

the point beginning containing an area of eight and 32/100 (8.32) hectares.

The Department of Environment and Natural Resources (DENR) shall appropriately mark on the ground the technical descriptions provided in this Act with clearly visible markers and shall prepare appropriate maps therefore. Any modification of the coverage of this Act due to such factors as changing ecological situations, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the affected public and concerned government agencies.

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

- (a) "*Biodiversity*" refers to the variety and variability among living organisms and the ecological complexes in which said organisms occur.

- (b) "*Biological resources*" include genetic resources, organisms or parts thereof, population, or other biotic component of ecosystems with actual or potential use or value for humanity.
- (c) "*Bioprospecting*" refers the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes.
- (d) "*Collection*" or "*Collecting*" refers to the act gathering or harvesting wildlife, its by-products or derivatives.
- (e) "*Conservation*" refers to the sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat.
- (f) "*Consultation*" refers to the meeting or dialogue with concerned or affected individual and groups within and outside the SS designated to identify and resolve issues and problems affecting them in relation to the protection, conservation and sustainable development of the SS.
- (g) "*Ecosystem*" refers to the dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.
- (h) "*Endangered Species*" refers to the species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating.
- (i) "*Endemic Species*" refer to the species or subspecies of flora and fauna which are naturally occurring and found only within specific areas in the country.
- (j) "*Exotic Species*" refer to the species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time.
- (k) "*Exploitation*" refers to any mode of use, extraction, development, utilization or disposition of resources, for whatever purpose, whether commercial or otherwise.
- (l) "*Exploration*" refers to the searching or prospecting for mineral resources, as defined by law, by geological, geo-chemical or geophysical surveys, remote sensing, rest pitting, trenching, drilling, shaft sinking, tunnelling or any other means for the purpose of determining the existence, extent, quantity and quality thereof and the feasibility of mining them for profit.
- (m) "*Habitat*" refers to the place or type of environment where species or subspecies naturally occurs or has naturally established its population.

- (n) "*Hunting*" refers to the 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.
- (o) "*Management Plan*" refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the SS in order to attain the objectives of the this Act
- (p) "*Mineral*" refers to all naturally occurring inorganic substance in solid gas, liquid or any intermediate state including energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy.
- (q) "*Multiple-Use Zone*" refers to the area where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the management plan.
- (r) "*National Integrated Protected Areas System (NIPAS)*" refers 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.
- (s) "*NIPAS Act*" refers to the National Integrated Protected Areas System (NIPAS) Act of 1992 or Republic Act No. 7586, and its implementing rules and regulations.
- (t) "*National Park*" refers to the land of the public domain classified as such in the 1987 Constitution which include all areas under the National Integrated Protected Areas System (NIPAS) pursuant to Republic Act No. 7586 primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity.
- (u) "*Non-government Organization (NGO)*" refers to the 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, education, training, research and/or resource accessing.
- (v) "*People's Organization (PO)*" refers to the group of organized migrant communities and/or interested indigenous peoples which may be an association, cooperative, federation, or other legal entity, established to undertake collective action to address community concerns and needs, and mutually share the benefits of the endeavor.

- (w) *"Protected Area"* refers to the identified portions of land and/or water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- (x) *"Protected Area Management Board (PAMB)"* refers to the multi-sectoral policy-making body created in accordance with the NIPAS Act of 1992.
- (y) *"Protected Area Superintendent (PASu)"* refers to the chief operating DENR officer of the protected area.
- (z) *"Quarrying"* refers to the process of extracting, removing and disposing quarry resources found on or underneath the surface of private or public land.
- (aa) *"SS Fund"* refers to the special trust fund to be established for the purpose of financing projects in the SS.
- (bb) *"Strict protection zone"* refers to the natural area with high biodiversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by the indigenous cultural communities/indigenous peoples; may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.
- (cc) *"Tenured migrant"* refers to forest occupants who have actually and continuously occupied a portion of the protected area for at least five (5) years, and are solely dependent therein for subsistence, as of the passage of this Act. An SS occupant is understood to be "solely dependent for subsistence" when everything indispensable for survival for the household, including food, clothing, shelter and health, comes only from the utilization of resources from the protected area.
- (dd) *"Wildlife"* refers to the wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated.
- (ee) *"Wildlife Sanctuary"* refers to an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for their perpetuation.

SEC. 5. Management Plan. - There shall be a Management Plan promulgated for the SS that shall serve as the basic long-term framework plan in the management of the protected area and guide in the preparation of its annual operations plan and budget.

Within one (1) year from the effectivity of this Act, the Management Plan shall have been put into effect following the general management planning strategy provided for under the NIPAS Act and according to the procedure herein set forth. It shall contain, among others, the following:

- (a) The category of the protected area;
- (b) Period of applicability of the plan;
- (c) Key management issues;
- (d) Goals and objectives of management in support of Section 2 hereof;
- (e) Site management strategy;
- (f) Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable-use management, infrastructure development and maintenance, and fire and pest control;
- (g) Zoning; and
- (h) Visitor management programs.

The preparation of the Management Plan shall be facilitated by the Office of the Protected Area Superintendent (PASu) in collaboration with the appropriate offices of the department, local communities, indigenous cultural communities/indigenous peoples (ICCs/IPs), NGOs, experts and other stakeholders within the SS. The Management Plan shall be approved by the majority of the PAMB and endorsed to the Secretary through Protected Areas and Wildlife Bureau (PAWB). The Management Plan is deemed accepted unless formal written disapproval from the Secretary is received by the PAMB on the ground of inconsistency with existing laws and related rules and regulations.

SEC. 6. *Management of the SS.* - There is hereby created a PAMB which shall have jurisdiction, power and authority over the SS for all matters that may affect biodiversity conservation, protection and sustainable development. The composition of which shall be in accordance with the pertinent provision of the NIPAS Act of 1992: Provided, That at least twenty percent (20%) of the PAMB members shall be comprised of women pursuant to Republic Act No. 9710 or the Magna Carta of Women and its implementing rules and regulations.

The representatives from the local government units (LGUs) and national agencies in the PAMB shall include among their duties, the duty to inform their respective constituents, office or sector, of PAMB-approved or other relevant policies, rules, regulations, programs and projects and to ensure that the provisions of this Act, the NIPAS Act and its implementing rules and regulations 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 PAMB may provide.

The members of the PAMB shall not receive any salary but shall be entitled to reimbursements for actual and necessary expenses incurred, either in their attendance in meetings of the PAMB or in connection with other official

business authorized by a resolution of the PAMB, subject to existing rules and regulations.

SEC. 7. Powers and Functions of the PAMB. - The PAMB of the SS, which shall decide by consensus or majority vote of the members present constituting a quorum of majority of all the members, 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 implementing rules and regulations consistent with the provisions of this Act if the same is warranted for its effective implementation.
- (b) Adopt rules of procedures in the conduct of its business with the power to create committees for purposes of technical, manpower and other related assistance;
- (c) Approve the management plan and oversee the office of the PASu;
- (d) Establish reasonable criteria consistent with the provisions of this Act and accordingly set and impose processing and research fees and other charges for the issuance of permits, certifications and other papers for activities regulated by this Act or the management plan, whose proceeds shall form part of the SS;
- (e) Recommend to the DENR for approval the deputization of persons or group of persons pursuant to the NIPAS Act and its implementing rules and regulations for the effective enforcement of the provisions of this Act and other laws, rules and regulations governing the conduct or management of the SS;
- (f) Manage the SS Fund, and other funds for the SS, ensure their proper administration and render accounting, all subject to existing government auditing rules and regulations; and
- (g) Recommend appropriate policy changes to the DENR and other government authorities.

The DENR, through the RED, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between administrative orders of national application issued by the DENR pursuant to the NIPAS Act and the resolutions issued by the PAMB, the PAMB shall notify the DENR Secretary who shall decide whether to apply the rule or withdraw its application in the SS.

SEC. 8. The Protected Area Superintendent (PASu) Office. - There is hereby established a PASu Office within the protected area to be in charge of the management, protection and administration of the SS. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the SS and shall be directly accountable to the PAMB.

The PASu shall have full responsibility for the protection of land, water, wildlife and other natural physical and biological resources within the SS. As such, the PASu shall have the following duties and responsibilities in addition to those provided under the NIPAS Act and its implementing rules and regulations:

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

(b) Prepare the management plans as herein defined;

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

(d) Enforce the laws, rules and regulations relevant to the SS, institute and file legal action independently or in collaboration with other government agencies or organizations and assist in the prosecution of offenses committed in violation of this Act;

(e) Monitor all activities within the SS to ensure its conformity with the management plan;

(f) Recommend the issuance of permits based on terms, conditions and criteria established by PAMB;

(g) Ensure the integration of the SS management policies, regulations, programs and projects at all the concerned national and local government units level; and

(h) Perform such other functions as the PAMB 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 SS. Upon the recommendation of the PAMB, the DENR Regional Executive Director shall deputize local community leaders and environment and natural resources officers.

SEC. 9. *Integrated Protected Area Fund of the SS.* - The Integrated Protected Area Fund (IPAF) shall be established as a special trust fund and shall be disbursed solely for the protection, maintenance, administration and management of SS and the System. At least seventy-five percent (75%) of the funds collected shall form part of SS Sub-fund which shall be solely disbursed for its use. The SS Sub-fund shall likewise be exempted from being deposited in the National treasury and shall be made readily available for disbursement upon proper approval of the PAMB and the DENR, subject to the usual accounting and auditing rules and regulations.

The SS Fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: Provided, That 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 and rentals of LGUs facilities: Provided, That the LGUs shall not impose property tax and issue new tax declaration for areas covered by the SS. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: Provided, That such add-ons shall be based on the contribution of the LGUs in the maintenance and protection of the SS.

SEC. 10. *Tenured Migrants and Other SS Stakeholders.* - Tenured migrants shall be eligible to become stewards of portions of lands within allowable zones. The PAMB shall identify, verify and review all tenorial instruments, land claims, and issuances of permits for resource use within the SS and recommend the issuance of the appropriate tenure instrument consistent with the zoning provided in the Management Plan.

Should areas occupied by tenured migrants be designated as zones in which no occupation or other activities are allowed pursuant to the attainment of sustainable development, provision for the transfer of said tenured migrants to multiple use zones or buffer zones shall be accomplished through just and humane means.'

In the event of termination of a tenorial instrument for cause or by voluntary surrender of rights, the PA5u shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the tenured migrant.

Within three (3) months from the passage of this Act, the PASu shall submit to the PAMB the complete list of tenured migrants which list shall be final upon approval of the PAMB.

SEC. 11. *Existing Facilities Within the SS.* - Within sixty (60) days from the effectivity of this Act, existing facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipment, and irrigation facilities existing within the boundaries of the SS shall submit project descriptions to the PAMB through the PASu.

The PAMB, with the assistance of the DENR, shall determine whether the existence of such facility and its future plans and operations will be detrimental to the SS or whether conditions for its operation shall be imposed. If any such conditions are violated, the owner of the facility shall be liable to pay a fine of

Five thousand pesos (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), the PAMB through the PASu and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owner.

Existing facilities allowed to remain within the SS may be charged a reasonable royalty by the PAMB. All income from such royalty shall accrue to the SS Fund.

SEC. 12. *Renewable and Nonrenewable Resources.* - Any exploration and exploitation or utilization of nonrenewable resources including mining within the SS shall not be allowed. Renewable energy projects within the SS shall be permitted only through an act of Congress except energy from wind, sun and water sources and not more than three (3) megawatt capacity for mini-hydro power: Provided, That these renewable energy projects are outside the strict protection zone, adopt reduced impact technologies, and undergo the Environmental Impact Assessment (EIA) System as provided by law: Provided, further, That the PAMB has endorsed the project.

SEC. 13. *Local Government Units.* - The local government units (LGUs) within the SS shall participate in its management through representation in the PAMB as provided under Section 6 hereof. Said LGUs may appropriate portions of their share from the annual internal revenue allotment and other income for use of the SS: Provided, That all funds directly coming from the LGUs shall be exempted from the twenty-five percent (25%) remittance requirement for the central Integrated Protected Areas Fund (IPAF).

SEC. 14. *Prohibited Acts and Penalties.* - The following shall be the prohibitions and penalties applicable to the SS, in addition to the prohibited acts as provided in the NIPAS Act and its implementing rules and regulations:

(a) The penalties and qualifications prescribed in Articles 309 (Penalties) and 310 (Qualified Theft) of the Revised Penal Code, depending on the value of the resources involved in connection with the prohibited act or a fine of at least triple the value of the said resources, or both, shall be imposed upon any person who:

[1] Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic plants or animals, flora or fauna, sand, rocks, or by-products derived therefrom, within particularly identified regulated or prohibited areas or zones in the SS including private lands without the necessary permit, authorization or exemption: Provided, That hunting of animals shall be absolutely prohibited except for scientific research;

[2] Cuts, gathers, removes or collect timber or any forest products, within particularly identified regulated or prohibited areas or zones in the SS including private lands without the necessary permit, authorization or exemption;

[3] Possesses or transports, within or outside the SS any timber, forest products, wild terrestrial or aquatic plants, animals, or by-products derived therefrom which is ascertained to have been taken from the SS;

[4] Undertakes mineral exploration or extraction within the SS;

[5] Engages in quarrying of sand, gravel, guano, limestone or any material within the SS;

[6] Hunts, collects, removes or destroys any endangered or protected species, except when collection or removal is for scientific research and exempted from the prohibition by the PAMB;

[7] Conducts bioprospecting within the SS without prior PAMB approval in accordance with existing guidelines;

[8] Engages in kaingin or, in any manner, causing forest fires inside the SS; or

[9] Establishes or introduces any exotic species, within the SS, which are detrimental to endemic species and the ecosystem therein.

(b) A fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00) or imprisonment from one (1) year but not more than six (6) years, or both, shall be imposed upon any person who:

[1] Violates any rules and regulations in the management plan or by the PAMB or agreements reached before the PAMB in the exercise of adjudicative functions;

[2] Erects any structure on land or on water for any purposes outside the management plan, duly allowed by the PAMB: Provided, That large-scale private infrastructure and other projects such as medium to high density residential subdivisions, medium to large commercial and industrial establishments, golf courses, heavily mechanized commercial and nontraditional farming, and other activities that cause increased immigration and resource degradation are absolutely prohibited;

[3] Possesses a chainsaw, hacksaw and other mechanized equipment within the SS without a permit;

[4] Throws, dumps or causes to be dumped into the SS any non-biodegradable material or waste whether liquid, solid or gas;

[5] Uses, dumps, places or causes to be placed into the SS toxic chemicals and non-biodegradable products, including pesticides and other hazardous substances, soaps and shampoos, and washing detergents, unless the same is expressly allowed in the management plan;

[6] Prospects, hunts or otherwise locates hidden treasures within the SS;

[7] Informally occupies or dwells in any land Within the SS without clearance from the PAMB;

[8] Possesses or uses blasting caps or explosives anywhere within the SS;

[9] Destroys, excavates, vandalizes or, in any manner, damages any natural formation on land, religious, spiritual, historical sites, artifacts and other objects of natural or scenic value;

[10] Alters, removes or destroys boundary marks or signs;

[11] Purchases or sells, mortgages or leases lands or other portions of the SS which are covered by any tenorial instrument.

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

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

All conveyances, vessels, equipments, paraphernalia, implements, gears, tools and similar devices shall be subject to immediate and administrative confiscation, independent of the judicial proceedings by the PASu Office upon apprehension, subject however to due process and substantial evidence requirements. When legal action is however, filed in the regular courts, the said conveyances, vessels, equipments, paraphernalia, implements, gears, tools and similar devices, independent of the administrative proceedings, shall not be released until after judgment has been rendered. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the SS Fund. Procedure for the sale thereof shall be promulgated by the PAMB. However, in no case shall any confiscated or rescued protected animal species be sold or in any manner disposed of but shall be immediately turned over to the PASu Office for release in its natural habitat, subject to existing regulations.

The penalties specified in this section will be in addition to the penalties contained in Republic Act No. 9072 (National Caves and Cave Resources Management and Protection Act), Republic Act No. 9147 (Wildlife Resources Conservation and Protection Act), and other related laws.

Conviction for any offense under this Act of a public officer or officer of the law shall carry the accessory penalty of perpetual disqualification from public office.

SEC. 15. *Reporting Responsibility.* - The PASu, through the PAMB, shall submit an annual accomplishment report to the Secretary of the DENR on the activities undertaken in the SS.

SEC. 16. *Appropriations.* - The Secretary of the DENR shall immediately include in the DENR's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 17. *Construction and Suppletory Application of Existing Laws.* - The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the SS and the conservation and restoration of its biological diversity, taking into account the needs and interests of qualified tenured migrants, for present and future Filipino generations.

The NIPAS Act shall have suppletory effect in the implementation of this Act.

SEC. 18. *Transitory Provision.* -In order to ensure the recovery and restoration of biological diversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any other instrument that allows exploitation and utilization of resources within the SS until the Management Plan shall have been put into effect.

All existing land-use and resource use permits within the SS shall be reviewed and shall not be renewed upon their expiration unless consistent with the Management Plan and approved by the PAMB.

SEC. 19. *Repealing Clause.* - For the purpose of this Act, the provisions of the NIPAS Act are hereby modified in accordance with the provisions herein. All other laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly. The prohibitions and penalties under the NIPAS Act are hereby superseded for the entire area covered by this Act.

SEC. 20. *Separability Clause.* -If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SEC. 21. *Effectivity Clause.* - This Act shall take effect fifteen days after its complete publication in the *Official Gazette* or in a national newspaper of general circulation available in the SS.

Approved,