



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

Sixteenth Congress
First Regular Session



HOUSE BILL NO. 2408

Introduced by Honorable Mariano U. Piamonte Jr. and Honorable Julieta R. Cortuna, Representatives, A TEACHER Party-list

EXPLANATORY NOTE

The NIPAS Law was enacted about 20 years ago. However only a few of the proclaimed and congress-enacted Protected Areas (Pas) are properly managed exemplified only by the Mt. Kitanglad Protected Landscape in Bukidnon. There are many constraints to the proper management of a PA. Among these are the lack of plantilla position of Protected Area Superintendent and its corresponding staff that is supposed to provide management of a PA.

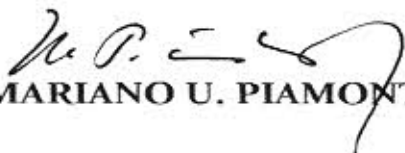
To implement fully the PA Management Plan requires tremendous amount of funds. However, PA's are not appropriated with sufficient funds to carry out proper management. In fact there are limited sources of funds for the Integrated Protected Area Fund (IPAF). There is need to identify innovative sources of funds for the IPAF in addition to its appropriate application.

R.A. 7586 is basically applicable to terrestrial protected areas and there is less emphasis on marine and inland water sites. This situation has led to the identification and proclamation of loop-sided number of terrestrial PA's against marine and fresh water areas. Of the 113 proclaimed PA's covering 3.57 million hectares, 84 are terrestrial (2.2 million hectares) while only 29 are marine and inland waters protected areas in 1.37 million hectares. The law needs to be revised/ amended to correct the situation.

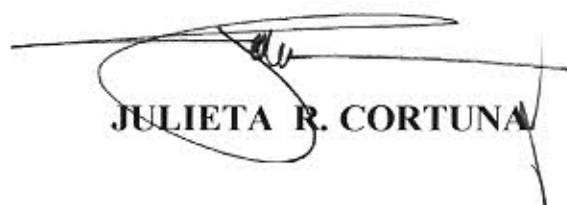
The penalties for violation of the NIPAS Act are not commensurate to the destruction of the environment that such acts bring about. There is need to revise the penalties in terms of fines and/or imprisonment in order that these pose as deterring effects on would-be violators.

Despite the provision of Section 45 of R.A. No. 8550, otherwise known as the Fisheries Code – which was enacted two (2) years after the approval of the NIPAS Act, states that no fish pens or fish cages or fish traps shall be allowed in lakes, many lakes and inland waters are found to have fish cages and are seeded beyond the carrying capacity of the lakes or inland waters. In addition to aggravating causes, fish kills have occurred similar to the one that occurred in Taal Lake on May 29, 2011 when more than 800 tons (or Php 142 million worth) of milk fish (bangus) died due to stocking beyond the carrying capacity of the lake. The carrying capacity of lakes and inland waters where fish cages or fish pens are

constructed, need to be assessed. This situation is aggravated by the practice that local government executives issue business permits without first requiring that the entrepreneur obtain an authorization from the DENR Through the Protected Area Management Board (PAMB).



MARIANO U. PIAMONTE, JR.



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AN ACT

AMENDING REPUBLIC ACT NO. 7586, OTHERWISE KNOWN AS AN ACT PROVIDING FOR THE ESTABLISHMENT AND MANAGEMENT OF NATIONAL INTEGRATED PROTECTED AREAS SYSTEM, DEFINING ITS SCOPE AND COVERAGE, AND FOR OTHER PURPOSES.

Section 1. Protected Area Superintendent – There shall be a position of Protected Area Superintendent (PASu) created in each of the protected areas established under the National Integrated Protected Areas System (NIPAS). The PASu shall have a rank equivalent to that of a Provincial Environment and Natural Resources Officer (PENRO) of the Department of Environment and Natural Resources (DENR). The PASu shall be under the direct supervision of the Protected Area Management Board (PAMB) and the DENR and shall have the following duties and responsibilities:

1. Implement the Protected Area Management Plan approved by PAMB;
2. Enforce rules and regulations to protect the area from trespassing, damage, vandalism and illegal occupancy;
3. Apprehend, seize and take custody illegally cut/ harvested products from the area;
4. Issue cutting permit for planted trees for a volume of up to five (5) cubic meters per applicant per year for traditional and subsistence uses of indigenous cultural communities (ICC) and tenured migrants only;
5. Issue certificate of origin and transport permit for natural resources and other forest products collected/ gathered from the protected area in accordance with the resource instruments/ agreements or gratuitous permits issued by the PAMB or the DENR;
6. Issue permits for the establishment of fish pens and/or fish cages in inland waters and lakes based on assessed carrying capacities of such waters and lakes and only in protected areas where environmental impact assessments have been conducted;
7. Collect and receive pertinent fees, charges, donations and other incomes from the protected area, provided that such fees, charges, donations and other incomes received/ collected shall be reported regularly to the PAMB in accordance with existing guidelines;
8. Prepare and recommend to the PAMB for approval the annual work and financial plan of the protected area based on the Initial Protected Area Plan or Management

- Plan of the protected area;
9. Develop a management information system to ensure that relevant and updated information are available for planning, monitoring and decision-making;
 10. Perform other relevant functions that the Regional Executive Director (RED) or PAMB may delegate or assign.

The PASu shall be supported by at least five (5) technical staff, and at least ten (10) administrative staff, who shall also have civil service positions. The level of such positions shall be determined by the PAMB.

The funds needed for the establishment of the position of PASu and support staff shall come initially from the appropriations of the DENR and thereafter shall come from annual appropriations from Congress.

The PAMB shall also have the authority to deputize residents from nearby communities. The DENR is authorized to provide commensurate compensation to protected area deputies, the funds for which shall also come from DENR's annual appropriations.

Section 2. Proclaimed Protected as Part of National Park. -- All proclaimed Protected Areas shall fall under the classification of National Parks pursuant to the provisions of the Philippine Constitution.

Section 3. Environmental Impact Assessment. -- Section 12 of R.A. No. 7586 is amended as follows:

"SEC. 12. Environmental Impact Assessment. -- Proposals for activities WHETHER WITHIN OR outside the scope of the management plan for protected areas shall be subject to an environmental impact assessment as required by law before they are implemented, and the results thereof shall be taken into consideration in the decision-making process. No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippine Environmental Impact Assessment (EIA) system. In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such manner as will minimize any adverse effects and take preventive and remedial action when appropriate.

The proponent shall be liable for any damage due to lack of caution or indiscretion. IN THE CASE OF UTILIZING INLAND WATERS IN PROTECTED AREAS FOR FISH PENS AND FISH CAGES OR SIMILAR ACTIVITIES, THE CARRYING CAPACITY OF THE INLAND WATER SHALL BE ASSESSED AND SHALL BE BASIS FOR THE GRANTING OF PERMITS FOR THE ABOVE-MENTIONED ACTIVITIES. THE PAMB SHALL HAVE THE SOLE AUTHORITY TO GRANT THE PERMIT. NO SUCH ACTIVITIES SHALL BE ALLOWED IN INLAND WATERS WITHOUT THE PERMIT ISSUED BY THE PAMB. SUCH PERMIT SHALL PRECEDE THE ISSUANCE OF BUSINESS PERMITS BY LOCAL GOVERNMENT UNITS."

Section 4. Protected Areas under the DENR Jurisdiction. – All proclaimed protected areas in terrestrial and marine environments including inland waters and lakes, including those that will be subsequently proclaimed shall be under the authority and jurisdiction of the Department of Environment and Natural Resources.

Section 5. Areas under the Management of Other Departments and Government Instrumentalities. – Section 15 of R.A. No. 7586 is amended as follows:

“SEC. 15. Areas under the Management and Other Departments and Government Instrumentalities. – Should there be protected areas, or portions hereof, under the jurisdiction of government instrumentalities other than the DENR, such jurisdictions shall, prior to the passage of this Act, remain in the said department or government instrumentality: *Provided*, that the department or government instrumentality exercising administrative jurisdiction over said protected area or a portion thereof, shall coordinate with the DENR in the preparation of its management plans, upon the effectivity of this Act. THE DENR SHALL EXERCISE OVERSIGHT FUNCTIONS OVER SUCH PROTECTED AREAS AND SHALL LIKEWISE HAVE VISITORIAL POWERS.”

Section 6. Integrated Protected Areas Fund. – Section 16 on the Integrated Protected Areas of R.A. No. 7586 is hereby amended as follows:

“SEC. 16. Integrated Protected Areas Fund. – There is hereby established a trust fund to be known as the Integrated Protected Areas Fund for the purpose of financing projects of the System. The IPAF may solicit and receive donations, endowments and grants in the form of contributions and such endowments shall be exempted from income or gift taxes and all other taxes, charges or fees imposed by the Government or any political subdivision or instrumentality thereof.

All incomes generated from the operation of the System or management of wild flora and fauna shall accrue to the Fund SUBJECT TO THE RETENTION BY THE MANAGEMENT BOARD OF EACH PROTECTED AREA, OR SEVENTY-FIVE PERCENT (75%) OF ALL REVENUES RAISED THEREFROM and may be utilized directly by the DENR for the above purpose. THE REMAINING TWENTY-FIVE (25%) SHALL ACCRUE TO THE NATIONAL INTEGRATED PROTECTED AREAS FUND WHICH SHALL BE ESTABLISHED AT THE DENR LEVEL FOR THE PURPOSE OF FUNDING MANAGEMENT AND DEVELOPMENT OF OTHER PROTECTED AREAS.

These incomes shall be derived from:

1. Taxes from the permitted sale and export of flora and fauna and other resources from protected areas;
2. Proceeds from lease of multiple-use areas;
3. Contributions from industries and facilities directly benefiting from

the protected areas;

4. Such other fees and incomes derived from the operation of the protected area; and

5. ENVIRONMENTAL FEES INCLUDING FINES IMPOSED DUE TO VIOLATION OF ENTERPRISES LOCATED IN PROTECTED AREAS INCLUDING THEIR BUFFER ZONES AND MULTIPLE-USE ZONES SHALL ACCRUE TO THE INTEGRATED PROTECTED AREAS FUND.

THE FUND, INCLUDING ALL DONATIONS, GRANTS, ENDOWMENTS FROM VARIOUS SOURCES AND OTHER CONTRIBUTIONS, SHALL BE DEPOSITED IN ANY GOVERNMENT BANK WITHIN THE LOCALITY WHERE EACH PROTECTED AREA IS LOCATED; PROVIDED, THAT IN CASE THERE IS NO GOVERNMENT BANK AVAILABLE IN THE LOCALITY, AN ACCOUNT SHALL BE OPENED IN A GOVERNMENT BANK NEAREST TO THE LOCALITY.

DISBURSEMENTS FROM THE FUND SHALL BE MADE SOLELY FOR THE PROTECTION, MAINTENANCE, ADMINISTRATION AND MANAGEMENT OF THE SYSTEM, AND DULY APPROVED PROJECTS ENDORSED BY THE PAMB's IN THE AMOUNTS AUTHORIZED BY DENR IN ACCORDANCE WITH EXISTING ACCOUNTING, BUDGETING AND AUDITING RULES AND REGULATIONS; PROVIDED FURTHER THAT THE FUND SHALL NOT BE USED TO COVER PERSONAL SERVICES EXPENDITURES.

SECTION 7. Prohibited Acts. – The prohibited acts under R.A. No. 7586 are hereby AMENDED AS FOLLOWS:

“SEC. 20. *Prohibited Acts.* – Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

1. Hunting, destroying or mere possession of any plants or animals or products derived therefrom without permit from the Management Board;
2. Dumping of any waste products detriment to the protected area, or to the plants and animals or inhabitants therein;
3. Use of any motorized equipment without a permit from the Management Board;
4. Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities (of scenic value);
5. Damaging and leaving roads and trails in a damaged condition;
6. Squatting, mineral locating or otherwise occupying any land;
7. Constructing or maintaining any kind of structure, fence or enclosure, conducting any business enterprise without a permit;
8. Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water;
9. Altering, removing, destroying or defacing boundary marks or

- signs;
10. TREASURE HUNTING; AND
 11. QUARRYING AND SIMILAR ACTIVITIES.

Section 8. Penalties. – Section 21 of R.A. No. 7586 is amended as follows:

“SEC. 21. *Penalties.* – Whoever violates this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by a competent court of justice of any offense in the preceding section shall be fined in the amount of not less than FIVE HUNDRED THOUSAND PESOS (P 500,000.00) AND NOT MORE THAN ONE MILLION PESOS (P 1,000,000.00) exclusive of the value of the thing damaged or imprisonment for not less than TWO (2) YEARS BUT NOT MORE THAN TEN (10) YEARS or both, as determined by the court, also the offender shall be required to restore or compensate for the restoration to the damage: *Provided further*, that the court shall order the eviction of the offenses from the land and the forfeiture in favor of the Government of all minerals, timber, or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers: *Provided finally*, that the DENR may impose administrative fines and penalties consistent with this Act.

Section 9. Implementing Rules and Regulations. – The Department of Environment and Natural Resources shall prepare and issue the implementing rules and regulations of this Act within ninety (90) days from the approval of this Act.

Section 10. Repealing Clause. – All laws, decrees, orders, rules and regulations or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

Section 11. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in two (2) major newspapers of general circulation.

Approved.