



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

2771

HOUSE BILL NO. _____

Introduced by the Honorable Ruby M. Sahali

EXPLANATORY NOTE

In acknowledgment of the intents and purposes of the previous authors of this House Bill in the Fifteenth Congress, this Bill seeks to declare The Turtle Islands in Tawi-Tawi Province a Protected Area or otherwise known as **"The Turtle Islands Wildlife Sanctuary"**.

The Turtle Islands has an aggregated land area of only three hundred ninety two (392) hectares. It is composed of seven small islands and several islets which straddle the Malaysian State of Sabah and the Philippines. Its marine ecosystem of over 136,000 hectares is a major nesting site of the endangered green sea turtle (*Chelonia Mydas*) and its fish and coral assemblage has the highest diversity compared to all other protected marine areas surveyed in the Philippines.

The presence of major green sea turtle nesting population makes it imperative for us to protect the Turtle Islands. The green turtle population is declining. Considering that the Turtle Islands is among the only ten (10) breeding grounds for green sea turtles in the world, hence the need to protect them now.

The Turtle Islands was established as a marine sanctuary by virtue of Manila Administrative Order No. 8, Series of 1992. On May 31, 1996, the Turtle Islands of Sabah and the Philippines was designated as the Turtle Islands Heritage Protected Area, the first Trans-border Park for marine turtles in the world managed jointly by both countries.

Section, Article XII of the Constitution provides that "the State shall protect the nation's marine wealth in its archipelagic waters, territorial seas, and economic zone and reserve its enjoyment to Filipino citizen". Pursuant to this Constitutional mandate, Section 2 of Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act provides further that is "the policy of the State to secure for the Filipino people of present and future generations, the perpetual existence of all native plants and animals through the establishment of a comprehensive

system of integrated protected areas within the classification of national park is provided for in the Constitution."

Thus, it is incumbent upon Congress to declare the Turtle Island as a Protected Area in order to safeguard its ecological significance and protect the diminishing population of the green sea turtle including the terrestrial and marine ecosystems and resources, and its hosts, as well as provide for its regimented management.

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

Rutger A. Han

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AN ACT
DECLARING THE TURTLE ISLANDS LOCATED IN THE MUNICIPALITY OF TURTLE ISLANDS, PROVINCE OF
TAWI-TAWI, AS A PROTECTED AREA

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

SECTION 1: Title - This Act shall be known as the "Turtle Islands Wildlife Sanctuary Act of 2013".

SECTION 2: Declaration of Policy – It is hereby declared the policy of the State to regulate the utilization of fishery and marine resources, aggregates, and wild flora and fauna; to protect and preserve the culture of the people, indigenous knowledge, artifacts and sites; and ensure the continuity of endangered, threatened, and rare species. Toward these ends, the State shall conserve, preserve, and protect the scenic, cultural, historical, and archaeological features of the Turtle Islands including the diverse terrestrial and marine ecosystems thereof for the benefit of its people and mankind.

SECTION 3: Scope – The Turtle Islands, hereinafter referred to as the Protected Area (PA), shall be managed as a wildlife sanctuary and shall cover the Islands of Taganak, Baguan, Langaan, Boan, Lihiman, Great Bakkungan, and Sibaung within the Municipality of Turtle Islands, Province of Tawi-Tawi including the municipal waters thereof pursuant to the law of territorial waters containing a total area of more or less two hundred forty thousand nine hundred sixty seven (242,967) hectares. Three hundred eighteen (318) hectares of the protected area constitute the aggregate land portion of the six islands while the remaining two hundred forty two thousand six hundred forty nine (242,649) hectares constitute the marine portion of the protected area. A total area of sixty eight thousand seven hundred forty seven point eighty three (83/100) or (68,747.83) hectares of marine portion encloses the area as buffer zone.

The boundary of the PA begins at a point marked "1" on the map which is identical to corner 2 of the existing international treaty limits with coordinates 06000'00 latitude and 118020'23 longitude based from NAMRIA Map Balabac Strait No. 4720, Cybersoft Inc.;

Thence Due West	32,349.05 meters to corner 2;
Thence N 52000'00"	51,840.00 meters to corner 3;
Thence Due North	21,840.00 meters to corner 4;
Thence Due East	14,400.00 meters to corner 5;
Thence S 53027'49.5"E	17,394.45 meters to corner 6;
Thence S 85024'07.9"E	7,921.65 meters to corner 7;
Thence S 71026'46.2"E	8,518.67 meters to corner 8;
Thence S 52027'48.2"E	20,990.33 meters to corner 9;
Thence S 15020'38.4"	8,461.24 meters to corner 10;
Thence Due South	17,500.00 meters to corner 1.

A fifteen (15) kilometre distance reckoned from the shoreline of each of the islands is extended to form the protected area boundary within the Philippine waters.

The technical description of the PA shall be subject to actual ground survey using the Global Positioning System (GPS). Thereafter, marine buoys shall be established on the corners as boundary markers.

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

- (a) **"Protected Area" (PA)** refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- (b) **"Buffer Zone" (BZ)** refers to an identified area outside the boundaries of and immediately adjacent to the designated protected area pursuant to Section 8 of Republic Act No. 7586 or the NIPAS Act, that need special development control in order to avoid or minimize harm to the protected area;
- (c) **"Wildlife Sanctuary" (Sanctuary)** refers to an area that 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;
- (d) **"Tenured Migrant Communities" (TMC)** refers to the various communities within the PA that have been actually and continuously occupying certain areas therein for at least five (5) years before their designation as protected areas and are solely dependent therein for substance;
- (e) **"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.
- (f) **Protected Area Management Board (PAMB)** refers to the management board of The Turtle Islands Wildlife Sanctuary.

SECTION 5. Administration and Management – The PA is hereby placed under the control and administration of a Protected Area Management Board (PAMB). To carry out the mandate of this Act, the PAMB is empowered to perform any and all of the following acts:

- (a) Conduct studies on various characteristics, features and conditions of the Turtle Islands Wildlife Sanctuary;
- (b) Adopt and enforce a land-use scheme and zoning plan in adjoining areas for the preservation and control of activities that may threaten the ecological balance in the PA;
- (c) Cause the preparation of and exercise the power to review all plans and proposals for the management of the PA;
- (d) Promulgate rules and regulations necessary to carry out the provisions of this Act;
- (e) Deputize field officers and delegate any of its powers under this Act and other laws to expedite its implementation and enforcement;
- (f) Enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the purposes of this Act;
- (g) Approve administrative fees and fines for violations of guidelines, and the rules and regulations promulgated pursuant to this Act as would endanger the viability of the PA;
- (h) Accept, in the name of the Philippine Government, and in behalf of the PA, fund, gifts or bequest of money for immediate disbursement or other property in the interest of the PA, fund, gifts or bequest of money for immediate disbursement or other property in the interest of the PA, its activities, or its services;
- (i) Call on any agency or instrumentality of the Government as well as academic institutions, non-government organizations and the private sector as may be necessary to accomplish the objectives and activities in the PA;
- (j) Submit an annual report to the President of the Philippines and to Congress on the status of the PA;
- (k) Establish a uniform marker of the PA, including an appropriate and distinctive symbol of each category in the area, in consultation with appropriate government agencies and private organizations;
- (l) Approve the specification of the class, type, and style of building and other structures to be constructed on the PA including the materials to be used;
- (m) Perform such other functions as may be directed by the Secretary of Environment and Natural Resources (DENR), and such acts as may be necessary or incidental to the accomplishment of the purpose and objectives of this Act;
- (n) Exercise authority over the buffer zone in cooperation with concerned NGOs and other government agencies and ensure that the management and land-use practices for buffer zones shall be prescribed in the management plan; and
- (o) Evaluate evidences in support of tenured migrants' claims or status for the granting of tenurial instruments.

SECTION 6. The Turtle Islands Protected Area Management Board (PAMB) – The PAMB for the PA shall be composed of the following:

- (a) Regional Executive Director of the Department of Environment and Natural Resources (DENR) Region IX, as Chairman;
- (b) Provincial Planning Development Officer of Tawi-Tawi (PPDO), member;
- (c) One (1) Representative from the municipal government of Turtle Islands, member;
- (d) One (1) Representative each from the barangays constituting the municipality of Turtle Islands, member;
- (e) Two (2) Representatives from non-government organizations (NGOs) selected from among themselves in an election called for the purpose, members;

- (f) Two (2) Representatives from People's Organizations (POs) selected from among themselves in an election called for the purpose, member;
- (g) One (1) Representative from each tribal community. Member;
- (h) One (1) Representative from other government agencies to be selected through election from the Representatives of the agencies present in the islands, members; and
- (i) One (1) Representative from the academe to be appointed by the DENR Secretary, member.

By a majority vote, the PAMB shall approve or take necessary action on:

- (a) Allocation for budget and project proposals for funding;
- (b) Decide matters relating to planning, peripheral or resource protection, and general administration of the area in accordance with the General Management Planning Strategy (GMPS);
- (c) Approve the delineation and demarcation of the protected area boundaries, buffer zone, and ancestral domains and recognize the rights and privileges of indigenous communities under the provision of this Act;
- (d) Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development consistent with the management manual of the PA ensuring that the management plan provides livelihood benefits for local residents;
- (e) Regulate the construction, operation, and maintenance of roads, trails, waterworks, sewerage, fire protection and sanitation systems, and other public utilities within the PA;
- (f) Ensure the implementation of programs as prescribed in the management plan in order to provide employment to the people dwelling in and around the PA;
- (g) Resolve, with the assistance from NGOs, conflicts between livelihood and protection needs of the communities and protected area, respectively;
- (h) Monitor and evaluate the performance of the PA personnel, NGOs, and the communities in providing for biodiversity conservation and socio-cultural and economic development; and
- (i) Exercise regulatory functions for prohibited acts inside the PA.

SECTION 7. Protected Area Superintendent (PASu) Office – There is hereby established a PA superintendent's office in charge of the management, protection and administration of the PA. The PASu office shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the Turtle Islands or PA and shall be accountable to the Regional Executive Director of the DENR-IX and the PAMB.

SECTION 8: Tenured Migrants – Any person who has actually and continuously occupied an area for five (5) years prior to its designation as part of the Turtle Islands Wildlife Sanctuary and is solely dependent of the area for subsistence shall be considered a tenure migrant. A tenured migrant shall be eligible to become a steward of a portion of land within the multiple use management area or buffer zone of the PA, from which he may derive subsistence. Persons who would not qualify as tenured migrants shall be resettled in any appropriate multiple use zone.

The PAMB shall consider the following as evidences in support of tenured migrant status:

- (a) Physical structures in the area indicating prolonged occupancy;
- (b) Tax declaration receipts;
- (c) Certification from the Barangay Captain or any two (2) respected members of the nearest community attesting to occupancy; and
- (d) Other relevant data such as previous census reports.

The DENR shall develop a tenurial instrument consistent with the conservation goals. Such instrument shall be prepared within twelve (12) months from the effectivity of this Act.

The rights, interests, and activities of tenured migrants within the protected area and its adjoining buffer zones shall be governed by the principles of biodiversity protection or conservation and sustainable development and by the guidelines prescribed in the General Management Planning Strategy (GMPS) as well as the prohibitions set out in Section 20 of the NIPAS Act: *Provided*, that all plans, policies and guidelines affecting tenured migrants shall be developed and implemented in partnership with them.

SECTION 9. Other Activities within The Protected Areas: Environmental Impact Assessment – Proposals for activities which are outside the scope of the GMPS for protected areas shall be subject to an environmental impact assessment and recommendation by the PAMB before they are adopted. 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 addition to the requirements needed in obtaining an ECC within the PA, a PAMB clearance must be secured. Likewise, all existing project proponents in the area shall furnish the PAMB's copy of their ECC's, for monitoring purposes, within thirty (30) days upon the effectivity of this Act. 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 to the protected area.

All development ecotourism, and other economic activities within the alienable and disposable areas shall be determined and/or subject for review by PAMB.

The energy and mineral resources of the Turtle Islands Wildlife Sanctuary may be subjected to exploration only for the purpose of gathering information on energy and mineral resources. Sources shall be conducted only in accordance with a program approved by the DENR as recommended by the PAMB, and the result of such surveys shall be made available to the public.

Should an area or portion thereof or activities fall within the jurisdiction of government instrumentalities other than the PAMB prior to the passage of this Act, such jurisdiction shall remain in the said department or government instrumentality exercising administrative jurisdiction over said area or portion thereof, or activity: *Provided*, that these agencies coordinate with the PAMB in the preparation of its management plans upon the effectivity of this Act.

SECTION 10. Turtle Islands Protected Area Fund – There is hereby established a trust fund to be known as the Turtle Islands Protected Area Fund for purposes of financing projects of the system. All income generated from the operation of the system or management of wild flora and fauna in the PA shall accrue to the Fund. These income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the protected area; proceeds from lease of multiple-use areas;

contributions from industries and facilities directly benefiting from the protected area; and such other fees and income derived from the operation of the PA.

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.

SECTION 11. Special Prosecutors – The Department of Justice (DOJ) shall assign and/or designate a special prosecutor to solely prosecute violations of laws, rules and regulations within the PA within sixty (60) days from the effectivity of this Act.

The PAMB may recommend the immediate replacement of the special prosecutor if found remiss in the performance of his duties and responsibilities.

SECTION 12: Prohibited Acts – The following acts are prohibited:

- (a) Hunting, Destroying, Disturbing, or mere possession of any plant or animal products derived therefrom without a permit from the PAMB;
- (b) Dumping of any waste products detrimental to the PA, or to the plants and animals or inhabitants therein;
- (c) Using any motorized equipment and vehicles within prohibited areas without a permit from the PAMB;
- (d) Mutilating, defacing, or destroying objects of natural beauty, or objects or interest to cultural communities;
- (e) Damaging and leaving roads and trails in a damaged condition;
- (f) Squatting, mineral locating, or otherwise occupying any land;
- (g) Constructing or maintaining any kind of structure, fence, or enclosures, or conducting any business enterprise without a permit;
- (h) Leaving in exposed or unsanitary condition refuse or debris, or depositing the same in the ground or in bodies of water;
- (i) Altering, removing, destroying or defacing boundary marks or signs;
- (j) Illegal fishing, such as trawl fishing or that which makes use of electrical gadgets, poison, dynamite, superlight, and other similar practices;
- (k) Extraction of flora and fauna;
- (l) Entry without permit of the following: mountain climbers; campers; divers; spelunkers; study/research groups/individuals; and visitors/tourists;
- (m) Mining of any kind that would be detrimental to the conservation and protection of the Turtle Islands Wildlife Sanctuary.

- (n) Poaching, or any act of killing, hunting or capturing of wild animals within the areas covered by the Turtle Islands Wildlife Sanctuary;

In order to penalize violators of any activities not anticipated in this Act, the PAMB shall be authorized to impose corresponding administrative penalties.

SECTION 13. Penalties – Any person who violates this Act or any rules and regulations issued by the DENR pursuant to this Act and found guilty by a competent court of any of the offenses in the preceding section shall be penalized with a fine in the amount of not less than Ten Thousand Pesos (P 10,000.00) nor more than Five Hundred Thousand Pesos (P 500,000.00) exclusive of the value of the thing damaged, or imprisonment of not less than one (1) year but not more than six (6) years, or both, as determined by court.

Moreover, the court shall order the eviction of the offender from the land and the forfeiture in favour 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*, that the PAMB may impose fines and penalties for violations not covered by existing regulations.

SECTION 14. Appropriations – The Secretary of the DENR shall immediately include the Department's program, the implementation of this Act, the funding of which shall be included in the annual General Appropriation Act (GAA).

SECTION 15. Separability Clause – If any provision of this Act is declared unconstitutional, such declaration shall not affect the other parts of sections hereof.

SECTION 16. Repealing Clause – All laws, presidential decrees, executive orders, or rules and regulations inconsistent with any provision of this Act shall be deemed repealed or modified accordingly.

SECTION 17. Effectivity Clause – This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,