

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills
Quezon City

SIXTEENTH CONGRESS
First Regular Session
House Bill No. **2901**



Introduced by: Rep. Josephine Y. Ramirez Sato

EXPLANATORY NOTE

This bill seeks to declare the Apo Reef Natural Park in the Municipality of Sablayan, in Occidental Mindoro, as a protected area.

The Apo Reef Natural Park (ARNP), which covers 15,792 hectares with a buffer zone of 11,677 hectares of marine area, is the largest coral atoll-like reef in the Philippines. ARNP is one of the ten (10) Priority Sites under the Conservation of Priority Protected Area Project (CPPAP), a project funded under the World Bank. ARNP is also included in the Philippines' Tentative List of World Cultural and Natural Heritage Sites which was submitted to the UNESCO-National Commission of the Philippines.

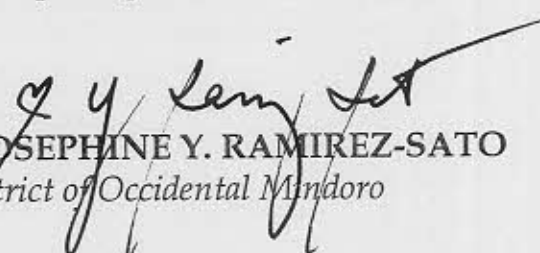
The ARNP hosts to a variety of flora and fauna. Found in this area are 46 species of terrestrial flora, seven species of seagrass and 26 species of algae. ARNP also consists of 47 species of birds, six species of reptiles and seven species of mammals.

Recognizing the value of the area, the Apo Reef Natural Park was established under the National Integrated Protected Areas System (NIPAS) by virtue of Presidential Proclamation No. 868, dated September 6, 1996.

This bill, therefore, seeks to declare the Apo Reef Natural Park as protected in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance.

Given the importance of biodiversity, it is deemed crucial that we act on this now to ensure that our children and the succeeding generations will inherit a living earth with all of its bountiful natural resources and vibrant wildlife.

In view of the foregoing, the passage of this measure is earnestly urged.



HON. JOSEPHINE Y. RAMIREZ-SATO
Lone District of Occidental Mindoro

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"AN ACT ESTABLISHING THE APO REEF IN SABLAYAN, OCCIDENTAL MINDORO AS PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK AND ITS PERIPHERAL WATERS AS BUFFER ZONES, 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 the "*Apo Reef Natural Park (ARNP) Act of 2013.*"

Section 2. Declaration of Policy. – In view of the importance of Apo Reef in Sablayan, Occidental Mindoro, its biodiversity and role in the fisheries of the region, it is hereby declared the policy of the State to ensure the protection and conservation of Apo Reef, its associated waters, biodiversity and islands. Pursuant thereto, the State shall ensure the full implementation of this Act, mobilize resources in order to put into operation institutional mechanisms and full scientific and technical support for the conservation of biodiversity and the integrity of the ecosystems in Apo Reef.

It shall further be the policy of the State to promote the Apo Reef, with the end in view of fostering widespread awareness and concern for the same. Towards this end, the State shall undertake to carry out

comprehensive and holistic promotions, training and information campaign programs for the benefit of the general public, in pursuance of the duty of the State to uphold the primacy of protecting, preserving and promoting these resources.

Finally, it shall be the policy of the State to encourage the participation of the private sector and the local government units in the protection, preservation and promotion of the Apo Reef.

Section 3. *Scope and Coverage.* – The boundaries of the Apo Reef Natural Park (ARNP), situated in the Municipality of Sablayan, Province of Occidental Mindoro, containing an approximate area of fifteen thousand seven hundred ninety-two (15,792) hectares, are as follows:

Control Points	CM	Latitude (" ' ")	Longitude (" ' ")	Northings (Meters)	Eastings (Meters)
1	123	12-44-47	120-27-22	1410356.242	223773.809
2	123	12-41-11	120-33-44	1403605.487	235240.033
3	123	12-35-47	120-29-57	1393709.839	228292.637
4	123	12-39-18	120-23-46	1400336.616	217153.893

to point 1, the point of beginning.

The DENR-National Mapping and Resource Information Authority (NAMRIA) shall validate the technical descriptions provided in this Act through actual survey/demarcation. The metes and bounds of the ARNP shall be indicated on the map and/or nautical chart.

Any modification of this Act due to factors such 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 passed by Congress after full consultation with the affected public and concerned government agencies.

Section 4. Buffer Zones. – Buffer Zones surrounding the ARNP, containing an approximate area of eleven thousand six hundred seventy-seven (11,677) hectares, are hereby established with the following boundaries:

Control Points	CM	Latitude (" ' ")	Longitude (" ' ")	Northings (Meters)	Eastings (Meters)
1	123	12-46-14	120-27-00	1413043.227	223151.990
2	123	12-41-32	120-35-19	1404229.656	238121.888
3	123	12-34-20	123-30-16	1391042.803	214329.440
4	123	12-38-57	120-22-12	1399689.788	214329.441

to point 1, the point of beginning.

Section 5. Land Classification. – All lands of the public domain comprising the Apo Reef Natural Park shall fall under the classification of National Park as provided for in the Philippine Constitution.

Section 6. Definition of Terms. – The following terms are hereby defined for the purposes of this Act:

- (a) "ARNP" refers to the Apo Reef Natural Park.
- (b) "ARNP Revolving Fund" refers to the revolving fund to be established for the purpose of financing projects in the ARNP.
- (c) "Biodiversity" refers to variety and variability among living organisms and the ecological complexes in which said organisms occur.
- (d) "Buffer Zones" refer to the identified areas outside the boundaries of and immediately adjacent to the designated ARNP that need special development control in order to avoid or minimize harm to the ARNP.

- (e) "*Collection or Collecting*" refers to the act of gathering or harvesting wildlife, its by-products or derivatives.
- (f) "*Commercial Fishers/Fisherfolk*" refers to persons who catch fish and other fishery products using fishing vessels of more than three (3) gross tons.
- (g) "*Conservation*" means the sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat.
- (h) "*Ecosystem*" means the dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.
- (i) "*Endangered species*" refer to species or subspecies that are not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating.
- (j) "*Exotic species*" refer to species or subspecies of flora or fauna that do not naturally occur within the ARNP at present or in historical time.
- (k) "*Fishers/Fisherfolk*" refers 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.
- (l) "*Fishing Gear*" refers to any instrument or device and its accessories utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing or possessing resources within the ARNID.
- (m) "*Habitat*" means a place or type of environment where a species or subspecies naturally occurs or has naturally established its population.

- (n) "*Hunting*" refers 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.
- (o) "*Introduction*" means bringing species into the wild that is outside its natural habitat.
- (p) "*Kayakas*" refers 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.
- (q) "*Litter or Littering*" refers to the disposal of small amount of non-biodegradable solid waste materials, such as cigarette butts, candy wrappers, plastic bags, bottles, and glasses in the ARNP which may cause or contribute to the deterioration of the resources or habitats in the ARNP.
- (r) "*Management Board*" refers to the Management Board of the ARNP.
- (s) "*Management Plan*" refers 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.
- (t) "*Municipal Fishers/Fisherfolk*" refers 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.
- (u) "*Muro-ami*" refers to the method used in reef fishing consisting of a movable bagnet, detachable wings and scarelines having plastic strips and iron/steel/stone weights, effecting fish capture by spreading the net in an arc around reefs or shoals and with the use of the scarelines, a cordon of people drive the fish towards the waiting net while pounding the corals by means of heavy weights like iron/steel/stone or rock making it destructive to corals.

- (v) "*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.
- (w) "*Natural Park*" refers 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.
- (x) "*Non-Government Organization (NGO)*" refers to an agency, institution, a foundation or a group of persons whose purpose is to assist peoples organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.
- (y) "*Non-Renewable Resources*" refer to those resources that cannot be re-made, re-grown or regenerated on a scale comparative to its consumption.
- (z) "*People's Organization (PO)*" means a 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.
- (aa) "*Poaching*" refers to fishing or operating any fishing vessel, gathering and/or purchase or possession of any fishery products within Philippine waters by any foreign person, corporation or entity.
- (bb) "*Protected Area*" refers to the identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

- (cc) "*Protected Area Management Board (PAMB)*" refers to a multi-sectoral policy-making body for protected areas created in accordance with Republic Act No. 7586 or the NIPAS Act of 1992.
- (dd) "*Protected Area Superintendent (PASu)*" refers to the Chief Operating Department of Environment and Natural Resources (DENR) officer of the ARNP.
- (ee) "*Protected Species*" refers to any plant or animal declared protected under Philippine laws, rules, and regulations. These shall include all species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and all its Appendices, the Bonn Convention on Migratory Species, those specified under the red-list categories of the International Union for the Conservation of Nature and Natural Resources (IUCN), or any plant or animal which any government agency and/or the ARNP may deem necessary for conservation and preservation in the ARNP.
- (ff) "*Purse Seine*" refers to the gear characterized by encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or boats around the school of aquatic resources. The bottom of the net is pulled closed with a purse line. The net is then pulled aboard the boat or boats until the resources are concentrated in the bunt or bag.
- (gg) "*Resources*" refers to all natural endowments, whether aquatic or terrestrial, living or non-living, found in ARNR
- (hh) "*Vessel*" includes every description of watercraft, including non-displacement crafts and seaplanes, used or capable of being used as a means of transportation on water. It shall include everything found therein, except personal effects.
- (ii) "*Waste*" refers to discarded items of solid, liquid, contained gaseous or semisolid form, and from whatever source, which may cause or contribute to the deterioration of the resources or habitats in the ARNP.

Section 7. Management Plan. — There shall be a management plan promulgated for the ARNP 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 management plan shall be prepared by the Protected Area Superintendent (PASu) in coordination with the appropriate offices of the department, local communities and the NGOs. It shall be reviewed and approved by the Management Board and certified by the Secretary of the Department. Such certification shall be mandatory to ensure that the plan conforms to all laws and the applicable rules and regulations issued by the Department: *Provided, however,* That the Secretary may revise and modify the protection and conservation plan, after consultation with Management Board, prior to certification to ensure conformity with applicable laws, rules and regulations.

A year before the expiration of the period of the applicability of the plan in effect, the PASu shall cause publication of notices for comments and suggestions on the successor plan in a newspaper of general circulation in the concerned municipalities. Notices shall also be posted in the respective provincial and municipal halls of the concerned provinces and municipalities as well as in the barangay

halls bounding or immediately adjacent to the protected landscape. The proposed plan shall be made available to the public during the period for comment and a final plan shall likewise be made available for public perusal at the Office of the PASu upon the approval of the Management Board: *Provided*, That the plans shall be plainly written in a language understandable in the area.

Section 8. *Management of the Apo Reef Natural Park.* — Pursuant to Section 11 of Republic Act No. 7586 or the NIPAS Act of 1992, there shall be a Management Board 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 4B as Chairperson;
- (2) The Provincial Planning and Development Officer/Coordinator;
- (3) The Mayor of the Municipality of Sablayan or his 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; and
- (7) At least two (2) representatives from accredited POs operating within Sablayan chosen from among themselves in a meeting duly called for the purpose.

Each member of the ARNP shall serve for a term of five (5) 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 members who are government officials, the term of office shall be attached to the office held.

The members of the Management Board shall be appointed by the Secretary of the DENR in conformity with the provisions of the NIPAS Act.

As a transitory provision, the initial members of the Management Board *shall* be nominated from the current members of the interim Management Board: *Provided*, That at least one-third (1/3) of the members thereof shall be women.

In the selection of the representatives of POs and NGOs, preference shall be accorded to those organizations that are involved in the conservation, protection and development of the ARNP.

Representation shall be by institution and shall aim to achieve balance in representation by geographic location or areas.

The representatives from the local government units (LGUs) and national agencies in the Management Board shall include among their duties, the duty to inform their respective constituents, office or sector, of Management Board-approved or other relevant policies, rules, regulations, programs and projects and 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 Management Board may provide.

The members of the Board shall not receive any salary but shall be entitled to reimbursements for actual and necessary expenses incurred, either in their attendance in meeting of the Board or in connection with other official business authorized by a resolution of the Board, subject to existing rules and regulations.

Section 9. Powers and Functions of the Management Board. – The Management Board 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 and effective means;
- (c) Issue rules and regulations for the discipline and removal of its officers and members;
- (d) Adopt rules and procedures in the conduct of business, including the creation of committees to which its powers may be delegated;
- (e) Approve the management plan and oversee the office of the Protected Area Superintendent (PASu);
- (f) Establish criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;
- (g) Recommend the deputation of appropriate individuals for the enforcement of the laws, rules and regulations governing the conduct or management of the ARNP;
- (h) Approve fees and charges in accordance with existing guidelines/policies and raise funds for the ARNP;
- (i) Report to the DENR, on a quarterly basis, the status of the implementation of this Act, with emphasis on the disbursement of funds appropriated for the execution of the various policies and programs hereunder, and on the status of cases for the prosecution of violations of this Act;
- (j) Formulate programs for the promotion, training and information dissemination pertaining to the Apo Reef and its significance as a vital natural resource of the country;

- (k) Manage the allocation of the ARNP and other funds for the ARNP, ensure their proper administration, and render accounting; and
- (l) Recommend appropriate policy changes to the DENR and other government authorities.

The DENR, through the Regional Executive Director (RED), shall ensure that the Management Board acts within the scope of its powers and functions. In case of a conflict between administrative orders issued by the DENR pursuant to the NIPAS Act and the rules issued by Management Board, the Secretary of the DENR shall decide whether to apply the rule or withdraw its application.

Section 10. *Incentives of Management Board Members.* – In addition to actual and necessary traveling and subsistence expenses incurred in the performance of their duties, Management Board members may be granted allowances and insurance coverage in attending Board meetings. These expenses may be included in the budget for the ARNP.

Section 11. *Protected Area Superintendent (PASu Office).* – There is hereby established a PASu Office in charge of the implementation of the projects, programs and policies for the management, protection and administration of the ARNP. It will be headed by a Protected Area Superintendent (PASu) and shall be supported by the 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 Management Board. 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 and supply the Management Board 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 its 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) Implement the promotion, training and information campaign programs as formulated by the Management Board;
- (h) Report to the Management Board, on a quarterly basis, the status of the implementation of the various programs under this Act, such as, but not limited to, the database management system, the management plan of the ARNP, and the enforcement of the laws, rules and regulations relevant to the ARNP and the prosecution of the violations thereof;
- (i) Recommend to the DENR the issuance of permits based on terms, conditions and criteria established by the Management Board; and
- (j) Perform other functions as the Management Board 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 titles and items of the DENR employees detailed with the ARNP at the time of the effectivity of this Act shall be transferred to form part of the PASu Office.

Section. 12. 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 commission of any of the prohibited acts herein or failure to report such acts when observed shall cause the cancellation of such rights.

Section 13. *Special Prosecutors and Counsels.* – Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations in the ARNP shall be assigned. Such special prosecutor shall coordinate with the Management Board and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and other criminal procedures. The Management Board may retain the services of a counsel 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 Management Board, the PASu and the staff, or any person assisting in the protection, conservation and sustainable development of the ARNP, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the Management Board.

Section 14. *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 Management Board as herein provided.

The ARNP shall be off limits to navigation, except for activities that are sanctioned by the Management Board such as, but not limited to, tourism and research. Except in emergency situations, it shall be unlawful to enter ARNP without prior permission from the Management Board 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 vessels, gears and equipment in management zones where such are not allowed.

Violation of this Section shall subject the responsible person or entity to an administrative fine of not less than Twenty thousand pesos (P20,000.00) and not more than One hundred thousand pesos (P100,000.00), as may be determined by the Management Board. If the violator is a commercial fisher/fisherfolk, the fine shall be Five hundred thousand pesos (P500,000.00).

Section 15. *Damages to the Reef.* – Damages to the reef shall subject the responsible person or entity to the payment of administrative fines set by the Management Board based on current valuation standards and to the payment of the cost of restoration.

Section 16. *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 Management Board.

Violators of this Section shall, in addition to the payment of the conservation fee, pay the administrative fine of double the amount of the conservation fee set by the Management Board for the activity undertaken.

Section 17. *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. Violation of this Section shall be penalized with an administrative fine of not less than Ten thousand pesos (P10,000.00) and not more than Fifty thousand pesos (P50,000.00).

Section 18. *Dumping of Waste and Littering.* – It shall be unlawful for any person or entity to dump waste inside the ARNP. It shall likewise be unlawful to clean and change the oil of vessels within the ARNP.

Violation of this provision shall be punishable by imprisonment of six (6) years and one (1) day to twelve (12) years and/or fine of One hundred Thousand Pesos (P 100,000.00) plus an additional fine of Twenty Thousand Pesos (P20,000.00) to Fifty Thousand Pesos (P 50,000.00) for every day that each violation subsists. The Management Board shall impose an administrative fine of not less than Fifty Thousand Pesos (P 50,000.00) and not more than One Hundred Thousand Pesos (P 100,000.00), and order the violator to clean up the waste or pay for the clean-up thereof.

It shall likewise be unlawful to litter within the ARNP.

Violation of this provision shall be penalized by the Management Board with administrative fine ranging from Five Thousand Pesos (P 5,000.00) to Ten Thousand Pesos (P 10,000.00).

Section 19. *Bioprospecting without Permit.* – It shall be unlawful to conduct bioprospecting *within* the ARNP without prior permit from the Management Board and other concerned agencies.

Violation of this Section shall be punished with imprisonment of six (6) months to six (6) years; fine of Five hundred thousand pesos (P 500,000.00) to One Million Pesos (P 1,000,000.00); and forfeiture of the resources subject of the offense, equipment, gears and vessels. The Management Board shall also impose administrative fine ranging from Five Hundred Thousand Pesos (P 500,000.00) to One Million Pesos (P 1,000,000.00); and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

Section 20. *Introduction of Exotic Species.* – It shall be unlawful to introduce exotic species of plants or animals into the ARNP.

Violation of this Section shall be punished with imprisonment of six (6) months to six (6) years; fine of One Hundred Thousand Pesos (P 100,000.00) to One million pesos (P 1,000,000.00); and forfeiture of the resources subject of the offense, equipment, gears and vessels. The Management Board shall also impose administrative fine ranging from Two Hundred Thousand Pesos (P 200,000.00) to One Million Pesos (P 1,000,000.00); and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

Section 21. *Hunting, Catching, Fishing, Killing, Taking, Gathering, Removing, Destroying, Disturbing, or Possessing Resources.* – Except in cases of emergency and safety, it shall be unlawful for any person to actually or attempt to hunt, catch, fish kill, take, gather, remove, destroy, disturb, or possess any resource, whether living or

non-living, or products derived there from, without a permit from the Management Board 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.

Violation of this Section shall be punished as follows:

(1) Where the offender uses explosives, noxious or poisonous substances, the penalty shall be imprisonment ranging from six (6) years and one (1) day to twelve (12) years without prejudice to the filing of separate criminal cases when the use of the same results in physical injury or loss of human life; fine ranging from One hundred Thousand Pesos (P 100,000.00) to Three Hundred Thousand Pesos (P 300,000.00); and forfeiture of the resources subject of the offense, equipment, gears and vessels. The Management Board shall also impose administrative fine ranging from Forty Thousand Pesos (P 40,000.00) to One Hundred Fifty Thousand Pesos (P 150,000.00); 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 explosives, noxious or poisonous substances, within the ARNP, the punishment shall be imprisonment ranging from six(6) years and one (1) day to twelve (12) years; fine ranging from Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00); and forfeiture of fish catch, fishing equipment and vessels. The Management Board shall also impose administrative fine ranging from Forty thousand pesos (P40,000.00) to One hundred fifty thousand pesos (P150,000.00); and confiscation and forfeiture of the resources

subject of the offense, equipment, gears and vessels;

(3) Where the offender takes, removes, fishes, gathers, kills, destroys or possesses corals, except for scientific or research purposes authorized by the Management Board, the penalty shall be imprisonment ranging from six (6) years and one (1) day to twelve (12) years; fine ranging from Twenty Thousand Pesos (P 20,000.00) to Eighty thousand pesos (P 80,000.00); and forfeiture of the corals, equipment, gears and vessels. The Management Board shall also impose administrative fine ranging from Thirty Thousand Pesos (P 30,000.00) to One hundred Thousand Pesos (P 100,000.00); and confiscation and forfeiture of the corals subject of the offense, equipment, gears and vessels;

(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 Management Board, other laws, the Department of Agriculture, or the DENR, the operator, boat captain, master fisherman, and recruiter or organizer of fishworkers involved shall suffer a penalty of six (6) years and one (1) day to twelve (12) years imprisonment; fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00); and forfeiture of catch, fishing equipment, gears and vessels. The Management Board shall also impose administrative fine ranging from Four hundred Thousand Pesos (P 400,000.00) to One Million Pesos (P 1,000,000.00); and confiscation and forfeiture of catch, fishing equipment, gears and vessels: *Provided*, That the offender acting upon the orders of the operator, boat captain, master fisherman, and recruiter or organizer of fishworkers shall suffer a penalty one degree lower; fine of not less than Fifty Thousand Pesos (P 50,000.00) and not more than One Hundred Thousand Pesos (P 100,000.00);

(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 six (6) years and one (1) day to twelve (12) years imprisonment; fine of not less than Thirty Thousand Pesos (P 30,000.00) but not more than Five

Hundred Thousand Pesos (P 500,000.00); and forfeiture of the substance taken from the habitat, and the equipment and vessels used to commit such violation. The Management Board shall also impose administrative fines ranging from Thirty Thousand Pesos (P 30,000.00) to Seven Hundred Thousand Pesos (P 700,000.00); and confiscation and forfeiture of the substance taken, and equipment and vessels used in the commission of the violation.

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 provision;

(6) Where the offender gathers or removes pebbles, stones, rocks, sand or other materials that form part of the habitat, or otherwise engages in the quarrying or dredging of any portion of the ARNP, the penalty shall be six (6) years and one (1) day to twelve (12) years imprisonment; fine of not less than Thirty thousand pesos (P30,000.00) but not more than Five Hundred Thousand pesos (P500,000.00); and forfeiture of the substance taken from the habitat, and the equipment and vessels used to commit such violation. The Management Board shall also impose administrative fines ranging from Thirty Thousand Pesos (P 30,000.00) to Seven Hundred Thousand Pesos (P 700,000.00); and confiscation and forfeiture of the substance taken, and equipment and vessels used in the commission of the violation;

(7) Where the subject of the offense are protected species as defined in this Act, the penalty shall be imprisonment of twelve (12) years to twenty (20) years; fine of not less than One hundred twenty thousand pesos (P120,000.00) and not more than One million pesos (P1,000,000.00) for every threatened or endangered organism subject of the offense; forfeiture of the catch, equipment, gears and vessels; and cancellation of fishing permit. The Management Board shall

also impose administrative fine ranging from One Hundred Fifty Thousand Pesos (P150,000.00) to One Million Pesos (P 1,000,000.00) for every threatened or endangered organism subject of the offense; and confiscation and forfeiture of catch, equipment, gears and vessels; and

(8) Where the violations of this Section are not covered by the preceding Paragraphs, the penalty shall be imprisonment of one (1) year to three (3) years; fine of not less than Ten Thousand Pesos (P 10,000.00) but not more than One Hundred Thousand Pesos (P 100,000.00); and forfeiture of the catch, equipment, gears and vessels; and cancellation of permit that makes it possible for the offender to commit the offense. The Management Board shall also impose administrative fine ranging From Fifteen Thousand Pesos (P 15,000.00) to One Million Pesos (P 1,000,000.00); and confiscation and forfeiture of catch, equipment, gears and vessels.

Section 22. Poaching by Foreigners. – It shall be unlawful for any foreign person, corporation or entity to fish or operate any 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 ARNP shall be *prima facie* evidence that the vessel is engaged in fishing in the Park.

Violation of the above shall be punished by imprisonment of six (6) years and one (1) day to twelve years (12) years and a fine of One hundred thousand US dollars(US\$100,000.00), in addition to the forfeiture of its catch, fishing equipment and fishing vessel: *Provided*, That in case of non-payment of fine, subsidiary imprisonment shall be imposed: *Provided, further*, That the Management Board is empowered to impose an administrative fine of not less than Fifty thousand US dollars (US\$50,000.00), but not more than Two hundred thousand US dollars (US\$200,000.00) or its equivalent in Philippine currency, in addition to the confiscation and forfeiture of the fish catch, fishing equipment and fishing vessel: *Provided, finally*, That a bond may be posted for the vessels which shall not be less than One hundred thousand US dollars(US\$100,000.00).

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.

Section 23. *Violation of Environmental Impact Assessment System.*

– The Management Board shall prosecute violations of laws and Rules on Environmental Impact Assessment System. Such violations shall be punished by imprisonment of three (3) years to five (5) years; fine of One Hundred Thousand Pesos (P 100,000.00) for every day each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and forfeiture of the vessels, structures, effects, materials and equipment used, and the products of such violation. If the offender is a corporation, the directors and officers shall suffer the imprisonment. The Management Board shall also impose administrative fine of One Hundred Thousand Pesos (P 100,000.00) for every day each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and confiscation and forfeiture of the vessels, structures, effects, materials and equipment used, and the products of such violation.

Section 24. *Violation of Standards.* – The owner, operator and top three (3) officers of any vessel violating the standards set by the Management Board, such as, but not limited to, safety and sanitation standards, shall suffer administrative penalty of fine ranging from Twenty Thousand Pesos (P 20,000.00) to Fifty Thousand Pesos (P 50,000.00) for every day each violation subsists, and from suspension of three (3) months to cancellation of permit to operate in ARNP.

Section 25. *Obstruction to Law Enforcement Officer.* – The boat owner, master, operator, officer, or any person acting on his/her behalf, of any vessel who evades, obstructs or hinders any law enforcement officer in the ARNP to perform his/her duty, shall be administratively fined Fifty Thousand Pesos (P 50,000.00). In addition, the registration, permit and/or license of the vessel including the license of the officers thereof shall be canceled.

Section 26. *Subsidiary Imprisonment.* – Non-payment of judicial fines imposed under this Act shall be subject to subsidiary imprisonment as provided for by existing laws.

Section 27. *Fines and Forfeitures.* – All administrative fines and forfeitures that may be imposed by the Management Board under this Act, and the rules and regulations that may be promulgated in pursuit of the goals and objectives of this Act shall form part of the funds and assets of ARNP.

In case of administrative confiscation or forfeiture of vessels, structures, effects, materials and equipment and the same is not necessary for the proper prosecution of the offense charged, the Management Board may sell the forfeited vessels, structures, effects, materials and equipment in a public auction. Proceeds of the said sale shall accrue to the ARNP created under this Act.

In case of confiscated vessels, structures, effects materials and equipment are in *custodia legis*, the Management Board or its counsel, after proper proceedings may move for the sale of the confiscated or forfeited vessels, structures, effects, materials and equipment *pendente lite*: *Provided*, That the said vessels, structures, effects, materials and equipment are no longer necessary for the proper prosecution of the offense or if the same is necessary but substitute evidence is accepted by the court. The proceeds of the said sale shall likewise accrue to the ARNP Fund created under this Act.

Section 28. *Violation of Other Laws.* - Prosecution for violation of this Act shall be without prejudice to the prosecution of the offender for violation of other laws, rules and regulations.

Section 29. *The ARNP Revolving Fund.* - There is hereby established a revolving fund to be known as ARNP Revolving Fund for purposes of financing projects of the ARNP. All income generated from the operation of the ARNP or management of wild flora and fauna

therein shall accrue to said fund. This income shall be derived from visitor/tourist fees, fees from permitted sale and export of flora and fauna and other resources from the ARNP, proceeds from registration and lease of multiple-use areas, including tourism concessions, contributions from industries and facilities directly benefiting from the ARNP; and such other fees and income derived from the operation of the ARNP.

The ARNP Revolving Fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That seventy-five percent (75%) of all such collections shall be set aside and retained by the Management Board of ARNP, which shall appropriate the same exclusively for the management and operation of the ARNP: *Provided, further*, That the remaining twenty-five percent (25%) shall be remitted to the Integrated Protected Areas Fund (IPAF), The Management Board shall have the sole power to decide on the use of its funds from whatever source.

Donations, grants and endowments to ARNP shall be exempt from donor's tax and the same shall be considered as allowable deductions from the gross income in the computation of the income tax of the donor.

Section 30. *Energy and Non-renewable Resources.* - Any exploitation or utilization of non-renewable resources within the ARNP shall not be allowed. Renewable energy projects within the ARNP shall be allowed only through an act of Congress, except energy from wind, sun, and water sources and not more than one (1) megawatt capacity for mini-hydro power: *Provided*, That these renewable energy projects are established 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 endorsement of the Management Board has been obtained,

Section 31. *Appropriations.* - The Secretary 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

Section 32. Construction and Suppletory Application of Existing Law. - The provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development Provisions of Republic Act No. 7586, otherwise known as the National Integrated Protected Areas Management Act of 1992 and existing forestry laws, and their corresponding rules and regulations not inconsistent hereto shall have the suppletory effect in the implementation of this Act.

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

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

Section 35. Effectivity Clause. - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a national newspaper of general circulation available in the ARNP.

Approved,