



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



SIXTEENTH CONGRESS

First Regular Session

3900
HOUSE BILL NO. _____

Introduced by:
REP. FRANCISCO T. MATUGAS
1ST District, Surigao del Norte (Siargao Island)

EXPLANATORY NOTE

This bill seeks to establish the Islands of Siargao and Bucas Grande as a protected area, according to the shared demands and desires of the local government unit officials and constituencies of the First District of Surigao del Norte. This bill was approved in the House of Representatives and transmitted to the Senate of the 13TH, 14TH and 15TH Congress and now re-filed in the present Congress with the updated technical description provided by the National Mapping and Resource Information Authority (NAMRIA).

Siargao Islands Protected Landscape and Seascapes (SIPLAS) covers a landscape and seascapes with an approximate area of two hundred eighty three thousand nine hundred seventy four and seventy seven (283,974.77) hectares, belonging to the islands of Siargao and Bucas Grande, located in the Province of Surigao del Norte.

Siargao Island in the First Legislative District of Surigao del Norte, is one of the ten (10) selected sites under the Conservation of Priority Protected Area Project (CPPAP), which transpired pursuant to the provisions of Republic Act 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Law" intended at biodiversity conservation and sustainable development.

The CPPAP covers 10 priority areas all over the Philippines and one of these is Siargao Island which includes the Bucas Grande Island in Surigao del Norte. This was proclaimed as a protected area on October 10, 1996 by virtue of Presidential Proclamation 902 and was categorized as Siargao Island Protected Landscapes and Seascapes (SIPLAS).

According to the NIPAS Law, "protected landscapes and seascapes" is defined as areas of national significance characterized by harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism, within the normal lifestyle and economic activity of the areas. Siargao Island was chosen as one of the priority protected areas primarily due to its important bio-physical features include: (1) Extensive expanse of mangrove forest which serves as a good habitat for the crocodile of the species *Crocodylus Porosus*; (2) fringing coral reefs and numerous lagoons with unique faunal assemblage; and (3) endemic species of birds, mammals, and flowering plants in the terrestrial ecosystem. The varied habitat types and associated forms of the island are significantly considered as to its conservation importance and sustainability.

Siargao's 2,306 hectares of forest land consists of mixed Dipterocarp forest which serves as home to hundreds of wildlife species as Philippine Tarsier, Philippine Cockatoo, Flying Lemur and variety of avian species. Dipterocarp species of white lauan and yakal dominates in the upland. Siargao also takes pride of being one of the habitats of ironwood "Mancono" (*Xanthosthedium verdigonianus*) in the Philippines.

The mangrove seagrass and mudflats provide habitats and feeding ground to migratory waders, waterbirds and mangrove-associated organisms. The coral reef serves as spawning ground of reef-associated fishes.

The island also endows natural and scenic attractions. It is an area of white sand beaches, hidden lagoons, enchanting caves, karst scenery and magnificent rock formations.

Such that, basing on the aforementioned dominant features, Siargao Island favorably falls in the category defined under the said NIPAS Law.

This proposed measure, therefore, intends to: (1) protect, conserve and rehabilitate natural habitats and their associated biodiversity, resources and landscape values; (2) organized and empower communities and enable them to participate actively in PA management, (3) develop, promote and manage sustainable alternative livelihood systems; (4) inform, educate and raised the ecological consciousness of all stakeholders in the island; (5) ensure that SIPLAS laws and policies are effectively enforced.

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



FRANCISCO T. MATUGAS



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session **3900**
HOUSE BILL NO. _____

Introduced By:
REP. FRANCISCO T. MATUGAS
1st District, Surigao del Norte (*Siargao Island*)

AN ACT DECLARING THE ISLANDS OF SIARGAO AND BUCAS GRANDE AS A
PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPES AND
SEASCAPES

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

CHAPTER I PRELIMINARY PROVISIONS

SECTION 1. Title. – This Act shall be known and cited as the “Siargao Islands Protected Landscapes and Seascapes (SIPLAS) Act of 2014”.

SECTION 2. Declaration of Policy. – It is the policy of the State to ensure the protection and conservation of Siargao Islands, their endangered species, mangrove reserve, biodiversity and the communities residing therein, including the people's culture and way of life insofar as these are in harmony with nature.

Pursuant to this policy, the State shall:

- (a) preserve the ecosystems in their natural state in the lowlands, forest, mangrove, lakes, coral reefs or seagrass beds;
 - (b) preserve and maintain genetic resources and ecological diversity including, but not limited to, Salt Water Crocodile, Green Sea Turtle, Tarsier, Dolphin, Dugong-Dugong (Sea Cow), Sea Eagle, Brahminy Kite and Rufous Hornbill;
 - (c) provide education, research and environmental monitoring, recreation and tourism, and alternative economic opportunities to optimize the use of resources on a sustainable basis; and

- (d) foster partnership between and among government, nongovernment organizations (NGOs), local community organizations, and concerned private organizations.

SECTION 3. Definition of Terms. —

- a) "Alienable and Disposable Lands" refer to those of the public domain which have been the subject of the present system of classification and certified as not needed for forestry purposes.
 - b) "Biodiversity" refers to the variety and variability among all living organisms and the ecological complex in which they occur.
 - c) "By-product" refers to any part taken or substance extracted from wildlife, in raw or in processed form, and includes stuffed animals and herbarium specimens.
 - d) "Biodegradable materials" refer to objects which are capable of being degraded or decomposed by microbiological organisms or enzymes.
 - e) "Collection or collecting" refers to the act of gathering or harvesting wild flora and fauna species and its by-products or derivatives.
 - f) "Commercial" refers to market sale in volume or value in excess of that required to maintain basic subsistence for workers and their dependents.
 - g) "Commercial fishing" refers to fishing by passive or active gear for trade, business or profit beyond subsistence, utilizing fishing vessels of more than three gross tons.
 - h) "Conservation" refers to the preservation and sustainable utilization of wildlife, and/or maintenance, restoration, and enhancement of the habitat.
 - i) "Critically endangered species" refer to species or subspecies that are facing extremely high risk of extinction in the wild in the immediate future.
 - j) "Department" refers to the Department of Environment and Natural Resources (DENR).
 - k) "Ecosystem" refers to the community of plants and animals, their physical environment, and the interactions among them.
 - l) "Ecotourism" refers to a low-impact, environmentally-sound, and community-participating tourism activity in a given natural environment that enhances the conservation of biophysical and cultural diversity, promotes environmental understanding and

1 education, and yields socioeconomic benefits to the concerned
2 community.

3
4 m) "Endangered species" refer to a species or subspecies that is not
5 critically endangered but whose survival in the wild is unlikely if the
6 causal factors for their depletion continue operating, including, but not
7 limited to, the following:

8
9 Fauna: crocodile, green sea turtle, Philippine tarsier, monitor
10 lizard, dolphin, sea cow, wattled broadbill, brahminy kite, sea
11 eagle, rufous hornbill, katujo.

12 Flora: dipterocarp species, mancuno (iron wood), fire orchids,
13 pitcher plant, maribojoc pine.

14
15 The term includes other species as may be covered by Appendix I
16 and II of the Convention on International Trade of Endangered
17 Species (CITES) and as may be provided by law, international
18 treaties, administrative orders, and rules and regulations or issuance
19 of a concerned government agency.

20
21 n) "Fish and fishery/aquatic products" refer to all fish and other aquatic
22 animals such as mollusks, crustaceans, echinoderm, marine mammals,
23 and all other species of aquatic flora and fauna and all other products
24 of aquatic living resources in any form.

25
26 o) "Fishing" refers to the act of taking fish, aquatic products or any
27 aquatic flora and fauna from their wild state or habitat, with or without
28 the use of fishing vessels.

29
30 p) "Fishing vessel" refers to any boat, ship or other watercraft equipped
31 to be used for fishing or aiding or assisting one or more vessels in the
32 performance of any activity relating to fishing, including, but not
33 limited to, preservation, supply, storage, refrigeration, transportation
34 and/or processing.

35
36 q) "Forest products" refer to timber, pulpwood, firewood, bark, tree top,
37 resin gum, wood, lumber, oil, honey, beeswax, nipa, rattan or other
38 forest growth such as grass, shrub, and flowering plant, the associated
39 water, fish, game, scenic, historical, recreational and geologic
40 resources in forest lands.

41
42 r) "Liba-Liba" refers to a fishing gear or any variation thereof, consisting of
43 a conical shaped net with a pair of wings, the ends of which are
44 connected to two ropes with buri, plastic strips or any similar material to
45 serve as scaring or herding device with hauling ropes passing through
46 a metallic ring permanently attached to a tom weight (*linggote*) when
47 hauled into a fishing boat. Also known as *hulbot-hulbot* or *bira-bira* in
48 other vernaculars;

- 1 s) "Management Plan" subject to Section 9 hereof, refers to the
2 fundamental plan, strategy and/or scheme which shall guide all
3 activities relating to the Siargao Protected Landscapes and Seascapes
4 in order to attain the objectives of this Act as stated in Section 2 and
5 shall include all successor plans.
- 6 t) "Marginal Fisherfolk" refers to fisherfolk who engage in fishing with or
7 without the use of fishing vessels or nonmotorized or motorized fishing
8 vessels powered by a single engine sixteen (16) horsepower or less.
- 9 u) "Muro Ami" refers to a fishing gear used in reef fishing which consists of
10 a movable bag net and two detachable wings effecting the capture
11 of fish by spreading the net in arch form around reefs or shoals and
12 with the aid of scaring devices a cordon of fishermen drive the fish
13 from the reefs toward the bag portion of the whole net.
- 14 v) "Nongovernment organizations (NGO)" refers to non-stock, nonprofit
15 organizations with qualifications, expertise and objectivity in
16 undertaking activities concerning community organizing and
17 development, resource and environmental conservation or
18 management and protection related to the protected area (PA).
- 19 w) "Nonrenewable resources" refer to resources found within the PA, the
20 natural replenishment rate of which is either not known or takes more
21 than twenty-five (25) years.
- 22 x) "People's organizations (PO) refers to a group of people which may
23 be an association, cooperative, federation, aggrupation or individuals
24 or groups with an identifiable structure of decision-making and
25 accountability, established to undertake collective action to address
26 community concerns and needs in relation to the PA.
- 27 y) "Protected Area Permit/License Authority" refers to a limited term
28 privilege or authority duly granted by the PAMB, Protected Area
29 Superintendent (PASu), or any entity duly authorized to grant the same
30 to a natural or juridical person, or group of persons to utilize an allowed
31 resource or undertake an allowed activity within the PA.
- 32 z) "Protected landscapes/seascapes" refers to areas of national
33 significance characterized by the harmonious interaction of man and
34 land while providing opportunities for public enjoyment through
35 recreation and tourism within the normal lifestyle and economic
36 activity of these areas.
- 37 aa) "Secretary" refers to the Secretary of the DENR.
- 38 bb) "Superlight" also referred to as "magic light," refers to a type of light
39 using halogen or metal halide bulb which may be located above the
40 sea surface or submerged in the water. It consists of a ballast,
41 regulator, electric cable and socket. The source of energy comes from
42 a generator, battery or dynamo coupled with the main engine.

- (bb) "Sustainability or sustainable" refers to the use of components of biological diversity in a way and at a rate that does not lead to the decline of the species used, thereby maintaining its potential to meet the needs and aspirations of the present and the future Filipino generations.
 - (cc) "Threatened species" refers to species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction.
 - (dd) "Timber" refers to wood having an average diameter of at least fifteen (15) centimeters and a length of at least one point five meters in its unaltered state, or wood regardless of size sawn or hewn on two or more sides usually referred to as flitch and all mangrove species regardless of size.
 - (ee) "Vulnerable species" refers to species or subspecies that are not critically endangered or endangered but are under threat from adverse factors throughout their range and are likely to move to the endangered category in the near future.
 - (ff) "Wildlife" refers to wild forms and varieties of flora and fauna in all developmental stages including those which are in captivity or are being bred or propagated.

SEC. 4. Scope. – The Siargao Islands Protected Landscapes and Seascapes shall cover all the lands and waters in the municipalities of Burgos, Dapa, Del Carmen, General Luna, Pilar, San Benito, San Isidro, Sta. Monica and Socorro located in the islands of Siargao and Bucas Grande with the following technical description:

Beginning at a point marked "1" on the map being N59°07'04"E, 19,535.337 meters from BLM No.1, Poblacion, Municipality of General Luna, Province of Surigao del Norte with geographic coordinates of 09°47'01.49605581" Lat. and 126°09'21.39676345" Long.

LINE	BEARING	DISTANCE (meters)
1-2	S05°46'57"E	25210.78
2-3	S57°35'36"W	21623.825
3-4	S86°24'47"W	17101.833
4-5	N82°59'59"W	11621.604
5-6	N30°22'40"W	14227.523
6-7	N18°41'42"E	16591.654
7-8	N41°47'37"W	19091.062
8-9	N54°7'16"E	22168.238
9-10	N48°24'56"E	18670.857
10-11	S63°52'51"E	12823.495
11-1	S31°7'12"E	29948.052

The foregoing technical description, which covers a landscape and seascape with an approximate area of two hundred eighty three thousand

1 nine hundred seventy four and seventy seven (283,974.77) hectares shall only
2 be modified through an Act of Congress after consultation with the Protected
3 Area Management Board (PAMB), affected communities, local government
4 units (LGUs) and concerned government agencies.

5
6 **SEC. 5. Land Classification.** - All lands of public domain that fall within the
7 scope or technical description in Section 4 shall be classified as a protected
8 area. However, all public lands already classified as agricultural and
9 alienable or disposable, shall remain as such and may be disposed of
10 pursuant to the provisions of Commonwealth Act No. 141 or the Public Land
11 Act, as amended.

12
13
14 **CHAPTER II**
15 **PROTECTED AREA MANAGEMENT**

16
17 **Article 1**
18 **Institutional Mechanism**

19
20 **SEC. 6. Creation and Composition of the Protected Area Management**
21 **Board (PAMB).** - There is hereby created a PAMB which shall have the
22 jurisdiction, power, and authority, including, but not limited to, policy making
23 and granting permits over the PA for all matters that may affect biodiversity
24 conservation, protection and sustainable development.

25
26 The PAMB shall be composed of the Regional Executive Director (RED) of
27 DENR Caraga Region or his/her duly designated representative as
28 chairperson, and the following as members:

- 29
30 (a) The mayors of each municipality within the PA or his/her duly
31 designated representative who must be an official of the same
32 municipality;
- 33
34 (b) The presiding officer of the sangguniang bayan of each municipality,
35 or any member thereof as may otherwise be designated by the
36 sangguniang bayan;
- 37
38 (c) The president of the liga ng mga barangay of each municipality;
- 39
40 (d) A minimum of three representatives selected from all local
41 community organizations through a process designed by themselves;
- 42
43 (e) A minimum of three representatives selected from among NGOs
44 operating in the PA through a process designed by themselves;
- 45
46 (f) The provincial planning and development officer or an officer of the
47 provincial planning and development office, as may otherwise be
48 designated by the provincial governor;
- 49
50 (g) The provincial tourism officer or an officer of the provincial tourism
51 office, as may otherwise be designated by the provincial governor; and

- 1 (h) One representative from each government agency operating within
2 the PA as may be appointed by the above-listed members of the PAMB
3 based on their relevance and potential contribution to PA
4 management.

5

6 (i) One representative from the Office of the Congressman of the First
7 Congressional District of the Province of Surigao del Norte.

In the selection of local community and NGO representatives, preference shall be accorded to organizations involved in the conservation and protection of the PA and in development work. The representation of nongovernment and local community organizations shall be institutional and shall endeavor to achieve geographic balance.

SEC. 7. Term of Office. – Every member of the PAMB shall serve for a term of five years, subject, however, to the elected office held, government employment, and/or official designation in the local government unit, national agency, PO or NGO. Representation in the PAMB shall, as much as practicable, ensure sufficient representation of all stakeholders.

SEC. 8. Powers and Functions of the Protected Area Management Board. – The PAMB shall have the following powers and functions:

- 24 (a) Issue all rules and regulations in accordance with this Act and the
25 management plan;

26 (b) Establish criteria for permits and set fees for regulated activities;

27 (c) Adopt rules of procedure for the conduct of business, roles and
28 responsibilities, and discipline of the PAMB and PA personnel, including
29 the creation of committees to whom its powers may be delegated;

30 (d) Approve, revise or modify the management and action plans;

31 (e) Issue certifications for both terrestrial and aquatic resource use:
32 Provided, that the DENR and the LGUs shall issue permits only upon
33 submission of the PAMB certification;

34 (f) Recommend to the DENR for approval the deputation of interested,
35 capable and responsible individuals for the enforcement of the laws,
36 rules and regulations governing conduct in the PA for areas and species
37 falling under the Department's jurisdiction: Provided, That for areas and
38 species under the jurisdiction of the Bureau of Fisheries and Aquatic
39 Resources-Department of Agriculture, deputation shall be pursuant to
40 Republic Act No. 8550;

41 (g) Oversee and evaluate the Protected Area Superintendent's Office
42 created under Section 8 hereof;

43 (h) Identify, verify and review all tenurial instruments and land claims
44 within the PA;

45

46

47

48

49

50

51

- (i) Recommend land reclassification and proper use of resources found therein consistent with the zoning provided in the management or action plans;
 - (j) Accept, review and approve, after establishing criteria and rules and procedures therefor, proposals for projects or activities, including research and development on the natural resources, to be undertaken within the PA which affect biodiversity conservation, protection and sustainable development;
 - (k) Initiate civil or administrative proceedings, file criminal complaints, and take necessary legal action against individuals, associations, corporations, or entities destroying or contributing to the destruction of the PA in whatever degree, including, but not limited to, discharge of wastes or refuse which may impact on the PA; and
 - (l) Participate in all stages of the Environmental Impact Assessment (EIA) process for projects that may affect the protected area and in the monitoring thereof. May also recommend that projects or activities previously not covered by or exempted from the EIA System undergo the same.

The DENR shall exercise general authority over the PAMB to ensure that it acts within the scope of its powers and functions. In case of conflict between administrative orders for national application issued by the DENR pursuant to the National Integrated Protected Areas Systems (NIPAS) Act and the rules and regulations issued by the PAMB, the Secretary, in consultation with the PAMB, shall resolve whether to apply the rule or withdraw its application for the site. The decision of the Secretary may be appealed to the regional trial court having jurisdiction over the PA.

SEC.9. Protected Area Superintendent (PASu) Office. – There shall be a Protected Area Superintendent (PASu) Office within the DENR for the Siargao Islands Protected Landscapes and Seascapes that shall provide general support and coordinative services such as preparation of preliminary management plan and action plans, inter-agency linkages, community partnership-building, park visitors' education and information programs, enforcement of park rule and regulations, processing of permits and monitoring of operations.

The PASu as head of office shall be the chief operating officer of the PA and shall be accountable to the RED of the DENR-Caraga and the PAMB. The PASu shall be supported by DENR personnel designated therein. The PASu shall serve for a minimum of five years and must have competence and experience in the field of environmental protection.

Article 2 Protected Area Management Plan

SEC.10. Protected Area Management and Action Plans. – The PASU office, under the general supervision of the PAMB, shall, within six months from the effectivity of this Act, prepare the twenty-five (25) year management plan for the Siargao Islands Protected Landscapes and Seascapes in consultation with the appropriate offices of the DENR, LGUs, local communities, concerned government agencies and experts who may extend their services.

The management plan shall be reviewed, approved and adopted by the PAMB, which shall also verify that it conforms to all laws and rules and regulations issued by the DENR, and certified to by the DENR Secretary within sixty (60) calendar days from submission thereof.

The management plan shall serve as guide to all activities relating to the Siargao Protected Landscapes and Seascapes, including its development as an ecotourism destination, in order to attain the objectives stated in Section 2 hereof. Within one year from the effectivity of this Act, the management plan shall be formulated in accordance with the General Management Planning Strategy provided for under the NIPAS Act of 1992 and its implementing rules, regulations and administrative orders. The management plan shall contain, among others, the following:

- (a) the goals and objectives pursuant to Section 2 hereof;
 - (b) the protected nature of the areas covered;
 - (c) the period of applicability of the plan;
 - (d) key management issues and activities such as habitat and wildlife conservation, sustainable use of land and marine resources and infrastructure development regulation;
 - (e) establishment of zoning and activity regulations;
 - (f) establishment of a visitor management program; and
 - (g) establishment of sustainable livelihood and investment programs.

Rewritten: Revisions or modifications of the management plan may be initiated by the PASu or any PAMB member and shall be reviewed, approved and adopted by the PAMB and certified to by the Secretary.

After its approval, adoption and certification, the plan shall be translated in the local vernacular and shall be made readily available for perusal by the general public.

Six months after the formulation of the management plan, the PASu, in consultation with the appropriate offices of the DENR, LGUs, local

communities, concerned government agencies and experts who may extend their services, shall prepare a five-year action plan, subject to review and approval of the PAMB.

Before the expiration of said five-year action plan, the PASu shall, within a year, cause the publication of notices on the formulation of the succeeding action plan through broadcast and print media and posting of notices in conspicuous places within the provincial, municipal and barangay halls in order to solicit opinions on how to improve it.

The PAMB may conduct a public hearing or series of public hearings on the action plan upon the written request of any interested party.

In the event that no action plan is approved and adopted upon the expiration of the existing plan, the latter shall continue to be effective subject to modifications as may be adopted by the PAMB.

The same procedure shall be followed in the case of the management plan.

SEC.11. Integration of the Management Plan into Local Government Development Plans. – LGUs, through their representation in the PAMB, shall participate in the management of the Siargao Islands Protected Landscapes and Seascapes and its buffer zones. To ensure that the future development of the Province of Surigao del Norte and the Caraga Region takes place in accordance with this Act, the provisions herein shall be incorporated into the barangay, municipal and provincial development plans of Surigao and the regional development plan of the Caraga Region as part of the environmental concerns of the province and the region. LGUs shall likewise ensure that their ordinances pertaining to the environment are consistent with this Act and the management plan, as herein provided.

CHAPTER III TENURED MIGRANTS AND PRIVATE RIGHTS

SEC. 12. Tenured Migrants and Private Rights. – Tenured migrants are individuals and households who have actually and continuously occupied areas not classified as alienable and disposable within the Protected Area and chiefly derived their livelihood therein since October 10, 1991 or earlier. Whenever practicable, tenured migrant communities of more than five households occupying contiguous lots shall be provided with tenurial rights over their current habitation sites and shall be offered alternative sites preferably within the buffer zones whenever said area is crucial for conservation. Provided, that provisions for their transfer shall be undertaken using humanitarian considerations and shall be provided with security of tenure over their given relocations and such other support deemed appropriate.

In all other cases, the grant of tenurial rights must take into account the need to promote clustering and to avoid unnecessary displacement. In areas where tenurial instruments are granted, appropriate use zones shall be

1 established for the purpose of maintaining noncommercial livelihood
2 activities.

3 Land areas used as homelots or farmlots shall be held by individual
4 household. Land areas used for communal basis shall not be held individually.

5 Tenurial instruments shall not be issued solely on the basis of documents
6 but must be supported by indisputable evidence of permanent land-
7 utilization for five years before October 10, 1991, by the following
8 circumstance, such as:

- 9 (a) cultivated trees at their fruit-bearing stage;
10 (b) physical structures in the area indicating prolonged occupancy;
11 (c) certification from the barangay captain or any two respected
12 members of the nearest community attesting to occupancy; and
13 (d) other relevant data (e.g. previous census reports) that may be
14 accepted by the PAMB.

15 Existing land title instruments shall be reviewed by the PASu and
16 endorsed by the PAMB to the DENR regional office for validation or reversion.
17 The PAMB shall recommend the issuance of the appropriate tenure
18 instrument consistent with the land classification and allow the use of
19 resources found therein.

20 Persons who fail to qualify as tenured migrants including transient farmers
21 shall be allowed to gather and collect whatever they have planted within
22 five years from the effectivity of this Act. The transfer of nontenured migrants
23 from the Siargao Islands Protected Landscapes and Seascapes shall be
24 undertaken using humanitarian considerations.

25 In the event of termination of tenurial instrument for cause or by
26 voluntary surrender of rights, the PASu shall take immediate steps to
27 rehabilitate the area and restore it to its natural state.

28
29
30
31
32
33
34
35
36 **CHAPTER IV**
37 **SPECIAL AREAS OF CONCERN**

38 **SEC. 13. Existing Commercial Facilities within the Protected Area.** – Within
39 ninety (90) days from the effectivity of this Act, all existing commercial
40 facilities within the boundaries of the PA or its buffer zones with a total
41 capitalization in excess of Fifty thousand pesos (P50,000.00) shall submit to the
42 PAMB through the PASu, the following information:

- 43 (a) potential for disturbance of protected species and their habitat,
44 reproductive cycle, nesting and feeding grounds, and migratory
45 paths;
46 (b) noise levels at all stages of operation;
47 (c) requirements of water supply and sources of water; and
48 (d) energy requirements and sources of energy.

Thereafter, the PAMB, with the assistance of the DENR, shall determine whether the existence of a facility and its future plans and operations will be detrimental to the PA and its buffer zones.

Failure to submit the required information shall constitute a violation of this Act. The PAMB may prescribe further conditions for the operation of the facility to ensure that it is not in conflict with the management objectives of the PA. If any of such conditions are violated, a fine of Five thousand pesos (P5,000.00) for everyday of violation shall be imposed upon the owners of said facility, but not to exceed a total of Four hundred fifty thousand pesos (P450,000.00). Whenever necessary, the PAMB through the PASu or other government entities shall cause the cessation and demolition of the facility at the cost of the owners.

Existing facilities allowed to remain within the PA or its buffer zones shall be charged a fee by the PAMB, which shall not be more than two percent of the annual gross income of the facility: *Provided*, That existing commercial facilities whose operations and/or purpose are considered contradictory to PA management objectives shall be ordered by the PAMB to vacate the PA within such time as the PAMB may provide.

SEC. 14. Utilization of Resources. – Livelihood activities requiring the use of natural resources derived from the PA shall be allowed only when sustainable, consistent with the management and action plans, and after prior PAMB approval.

The PAMB is authorized to impose regulatory measures such as hunting moratoriums, closed hunting seasons and other restrictions on the use of resources within the PA and its buffer zones to ensure the sustainability of species and ecosystems.

Any exploitation or utilization of nonrenewable resources within the PA for commercial purposes or by non-tenured migrants shall not be allowed.

Energy projects, whether renewable or otherwise, within the PA shall be allowed only through an Act of Congress except energy from wind, sun, waves and water sources: Provided, That in all instances, the primary beneficiaries shall be residents of the PA and its buffer zones: Provided, further, That all energy projects shall undergo the EIA System as provided by law: Provided, finally, That the PAMB has endorsed the project.

Commercial exploitation of water resources within the PA shall require prior PAMB approval, in accordance with the management and action plans, and should undergo the EIA system.

CHAPTER V PENAL PROVISIONS

SEC. 15. Prohibited Acts. – It shall be unlawful for any person to willfully and knowingly exploit wildlife resources and habitat or undertake the

1 following acts without the necessary permit issued in accordance with this
2 Act:

- 3 1. Killing and destroying wildlife species, except in the following
4 instances:
5
 - 6 (a) when it is done as part of the religious rituals of established tribal
7 groups or indigenous cultural communities;
 - 8 (b) when the wildlife is afflicted with an incurable communicable
9 disease;
 - 10 (c) when it is necessary to put an end to the misery suffered by
11 wildlife;
 - 12 (d) when it is done to prevent an imminent danger to the life or limb
13 of a human being; and
 - 14 (e) when the wildlife is killed or destroyed after it has been used in
15 authorized research or experiments.
- 16 2. Inflicting injury which cripples and/or impairs the reproductive system
17 of wildlife species;
- 18 3. Effecting any of the following acts in critical habitat(s):
19
 - 20 (a) dumping of waste products detrimental to wildlife;
 - 21 (b) burning;
 - 22 (c) logging; and
 - 23 (d) quarrying of sand, gravel, guano, limestone or any material
- 24 4. Introduction, reintroduction or restocking of wildlife resources;
- 25 5. Trading of wildlife;
- 26 6. Collecting, hunting or possessing wildlife, their by-products and
27 derivatives;
- 28 7. Gathering or destroying of active nests, nest trees, host plants and
29 the like;
- 30 8. Maltreating and/or inflicting other injuries not covered by the
31 preceding paragraph;
- 32 9. Transporting of wildlife; and
- 33 10. Cutting, gathering, removing or collecting timber or any forest
34 products within identified prohibited areas or zones in the PA,
35 including private lands, without the necessary PA permit,
36 authorization or exemption as issued or promulgated by the PAMB.

37
38 **SEC 16. Fines and Penalties.** – To any person who undertakes illegal acts
39 under Section 15, paragraph (1) to any species as may be categorized
40 pursuant to this Act, the following penalties and/or fines shall be imposed:

- (a) Imprisonment of a minimum of six years and one day to twelve (12) years and/or fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), if inflicted or undertaken against species listed as critical;
 - (b) Imprisonment of four years and one day to six years and/or fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if inflicted or undertaken against endangered species;
 - (c) Imprisonment of two years and one day to four years and/or fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against vulnerable species;
 - (d) Imprisonment of one year and one day to two years and/or fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against other threatened species; and
 - (e) Imprisonment of six months and one day to one year and/or fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under Section 15, paragraph (2), the following penalties and/or fines shall be imposed:

- (a) Imprisonment of four years and one day to six years and/or fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if inflicted or undertaken against species listed as critical;
 - (b) Imprisonment of two years and one day to four years and/or fine of Thirty thousand pesos (P30,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;
 - (c) Imprisonment of one year and one day to two years and/or fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against vulnerable species;
 - (d) Imprisonment of six months and one day to one year and/or fine of Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against other threatened species; and
 - (e) Imprisonment of one month to six months and/or fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under Section 15, paragraphs (3) and (4), an imprisonment of one month to eight years and/or fine of Five thousand pesos (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.

1 For illegal acts under Section 15, paragraph (5), the following penalties
2 and/or fines shall be imposed:

- 3 (a) Imprisonment of two years and one day to four years and/or fine of
4 Five thousand pesos (P5,000.00) to Three hundred thousand pesos
5 (P300,000.00), if inflicted or undertaken against species listed as
6 critical;
- 7 (b) Imprisonment of one year and one day to two years and/or fine of
8 Two thousand pesos (P2,000.00) to Two hundred thousand pesos
9 (P200,000.00), if inflicted or undertaken against endangered species;
- 10 (c) Imprisonment of six months and one day to one year and/or fine of
11 One thousand pesos (P1,000.00) to One hundred thousand pesos
12 (P100,000.00), if inflicted or undertaken against vulnerable species;
- 13 (d) Imprisonment of one month and one day to six months and/or fine of
14 Five hundred pesos (P500.00) to Fifty thousand pesos (P50,000.00), if
15 inflicted or undertaken against other threatened species; and
- 16 (e) Imprisonment of ten (10) days to one month and/or fine of Two
17 hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if
18 inflicted or undertaken against other wildlife species.

19 For illegal acts under Section 15, paragraphs (6) and (7), the following
20 penalties and/or fines shall be imposed:

- 21 (a) Imprisonment of two years and one day to four years and/or fine of
22 Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos
23 (P300,000.00), if inflicted or undertaken against species listed as
24 critical;
- 25 (b) Imprisonment of one year and one day to two years and/or fine of
26 Two thousand pesos (P2,000.00) to Two hundred thousand pesos
27 (P200,000.00), if inflicted or undertaken against endangered species;
- 28 (c) Imprisonment of six months and one day to one year and/or fine of
29 Ten thousand pesos (P10,000.00) to One hundred thousand pesos
30 (P100,000.00), if inflicted or undertaken against vulnerable species;
- 31 (d) Imprisonment of one month and one day to six months and a fine of
32 Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00),
33 if inflicted or undertaken against other threatened species; and
- 34 (e) Imprisonment of ten (10) days to one month and/or fine of One
35 thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if
36 inflicted or undertaken against other wildlife species.

37 For illegal acts under Section 15, paragraphs (8) and (9), the following
38 penalties and/or fines shall be imposed:

- (a) Imprisonment of six months and one day to one year and a fine of Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against critical species;
 - (b) Imprisonment of three months and one day to six months and a fine of Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against endangered species;
 - (c) Imprisonment of one month and one day to three months and a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against vulnerable species;
 - (d) Imprisonment of ten (10) days to one month and a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other threatened species; and
 - (e) Imprisonment of five days to ten (10) days and a fine of Two hundred pesos (P200.00) to One thousand pesos (P1,000.00), if inflicted or undertaken against other wildlife species.

Illegal acts under Section 15, paragraph (10), shall be penalized under existing forestry laws.

All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be *ipso facto* forfeited in favor of the government: Provided, That where the ownership of the aforesaid conveyances belong to third persons who have no participation in or knowledge of the illegal acts, the same may be released to said owner.

If the offender is an alien, he shall be deported after service of sentence and payment of fines, without any further proceedings.

A fine of not less than Five thousand pesos (P5,000.00) but not more than Two hundred fifty thousand pesos (P250,000.00) and/or imprisonment of not less than one year but not more than five years and the restoration and rehabilitation of the damaged area or resource shall be imposed upon a person who shall commit, within the PA, the prohibited acts under Sections 86, 93 and 102 of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998.

A fine of not less than Two hundred fifty thousand pesos (P250,000.00) but not more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than five years but not more than twenty (20) years and the restoration and rehabilitation of the damaged area or resource shall be imposed upon any person who shall commit, within the PA, the acts prohibited under Sections 88 and 92 of Republic Act No. 8550.

A fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less

1 than one year but not more than five years shall be imposed upon those
2 persons who commit, within the PA, the act/s prohibited under Section 106 of
3 Republic Act No. 8550.

4
5 The fines prescribed shall be increased by at least ten percent (10%)
6 every three years to compensate for inflation and to maintain the deterrent
7 function of such fines.

8
9 Any person who shall induce another or conspire to commit any of the
10 illegal acts prohibited in this Act or order their workers to commit any of the
11 same shall be liable in the same manner as the one actually performing the
12 act.

13 All conveyances, vessels, equipment, paraphernalia, implements, gears,
14 tools and similar devices used in violation of this Act shall be subject to
15 immediate administrative confiscation, independent of the judicial
16 proceedings by the PASu Office upon apprehension subject, however, to due
17 process and substantial evidence. When legal action is, however, filed in the
18 regular courts, the said conveyances, vessels, equipment, paraphernalia,
19 implements, gears, tools and similar devices shall, independent of
20 administrative proceedings, not be released until after judgment. Proceeds
21 of the sale of all objects administratively or judicially confiscated pursuant
22 hereto shall accrue to the PA Fund. Procedures for the sale thereof shall be
23 promulgated by the PAMB.

24
25
26 **CHAPTER VI**
27 **MISCELLANEOUS PROVISIONS**

28
29 **SEC. 17. Special Prosecutor.** – Within thirty (30) days from the effectivity of
30 this Act, the Department of Justice (DOJ) shall appoint a Special Prosecutor
31 to whom all cases of violation of laws, rules and regulations in the PA shall be
32 assigned. Such Special Prosecutor shall coordinate with the PAMB and the
33 PASu in the performance of his/her duties and assist in the training of wardens
34 and rangers in the arrest of offenders and in criminal procedure. The PAMB
35 shall periodically submit to the DOJ an evaluation of the performance of the
36 designated Special Prosecutor.

37
38 **SEC. 18. Special Counsel.** – The PAMB may retain the services of a
39 competent lawyer to prosecute and/or assist in the prosecution of cases
40 under the direct control and supervision of the Special Prosecutor and to
41 defend the members of the PAMB and the officers and the staff of the PASu
42 Office, or any person assisting in the protection, conservation and sustainable
43 development of the PA against any legal action related to their powers,
44 functions and duties as provided in this Act or as delegated by the PAMB.

45
46 **SEC. 19. Integrated Protected Areas Fund.** – There is hereby established
47 a trust fund to be known as the Integrated Protected Areas Fund for purposes
48 of financing projects of the system. All income generated from the operation
49 of the system or management of wild flora and fauna in the PA shall accrue
50 to the Fund. This income shall be derived from fees from permitted sale and
51 export of flora and fauna and other resources from the PA, proceeds from

1 lease of multiple-use areas, contributions from industries and facilities directly
2 benefiting from the PA, and such other fees and income derived from the
3 operation of the PA.

4
5 The Fund maybe augmented by grants, donations, endowment from
6 various sources, domestic or foreign for purposes related to their functions:
7 Provided, That the Fund shall be subject to the retention by the Management
8 Board of the protected area, of seventy-five percent (75%) of all revenues
9 raised therefrom and deposited in any government bank within the locality
10 where the protected area is located; and that disbursements shall be made
11 solely for the protection, maintenance, administration and management of
12 the area and implementation of duly approved projects endorsed by the
13 PAMB in accordance with existing accounting, budgeting, and auditing rules
14 and regulations: Provided, further, That the twenty-five (25%) percent of the
15 revenues shall be deposited as a special account in the National Treasury;
16 Provided, finally, That Fund shall not be used to cover personal services
17 expenditures.

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

25
26
27 **CHAPTER VII**
28 **FINAL PROVISIONS**
29

30 **SEC. 20.** *Appropriations.* – The Secretary shall immediately include in the
31 Department's program the implementation of this Act, the funding of which
32 shall be included in the annual General Appropriations Act.

33
34 **SEC. 21.** *Interpretation.* – The provisions of this Act shall be construed
35 liberally in favor of achieving biodiversity conservation, protection and
36 sustainable development. The provisions of Republic Act No. 7586, otherwise
37 known as the NIPAS Act, and Republic Act No. 8550, otherwise known as the
38 Philippine Fisheries Code of 1998, and existing forestry laws, and their
39 corresponding rules and regulations not inconsistent herewith shall have
40 supplementary application in the implementation of this Act.

41
42 **SEC. 22.** *Implementing Rules and Regulation.* – Ninety (90) days after the
43 effectiveness of this Act, the DENR, in consultation with the PAMB and concerned
44 NGOs shall promulgate the implementing rules and regulations necessary to
45 effectively implement the provisions of this Act.

46
47 **SEC. 23.** *Separability Clause.* – If any part or section of this Act is
48 declared by the courts as unconstitutional, such declaration shall not affect
49 the other parts or sections hereof which shall continue to have full force and
50 effect.

51

1 **SEC. 24. Repealing Clause.** – All other laws, rules and regulations
2 inconsistent with this Act or any provision hereof are hereby repealed or are
3 modified accordingly.
4

5 **SEC. 25. Effectivity Clause.** – This Act shall take effect fifteen (15) days
6 after its publication in the Official Gazette or in two (2) newspapers of general
7 circulation readily available in and around the scope specified herein. It shall
8 likewise be posted in a conspicuous place at the municipal halls of Burgos,
9 Dapa, Del Carmen, General Luna, Pilar, San Benito, San Isidro, Sta. Monica
10 and Socorro, located in the islands of Siargao and Bucas Grande and in the
11 barangay halls concerned where the protected area is located and in other
12 places frequented by the public.

13
14 Approved,