

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 4568



Introduced by the Honorable ANN K. HOFER

EXPLANATORY NOTE

This bill seeks the amendment of Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992. Legislated mainly for purposes of biodiversity conservation, the NIPAS Act has become an important law in the establishment, protection, and management of protected areas in the country. With the Philippines as one of only 17 countries in the world to be recognized as a megadiversity country, it is imperative that Act should be amended to better address the present situation of our biological riches.

These protected areas are comprised of national parks, game refuge and wildlife sanctuaries, nature reserves, wilderness areas, mangrove reserves, watershed reservations, fish sanctuaries, protected landscapes and seascapes, to name a few. Not only do they contain essential habitats for diverse flora and fauna, they also serve as bastions of biodiversity that hold a cornucopia of species, most of which are endemic to the Philippines, thereby deserving protection as part of the national patrimony. Some protected areas, like mangrove reserves and watershed reservations, serve as vital natural barriers against the destructive effects of natural calamities such as typhoons and heavy rains by serving as buffers against tidal waves, flooding, landslides, and the like. Other protected areas such as national parks, game refuge, and wildlife and fish sanctuaries, may serve as environmental showcases for present and future generations, while also being a source of pride and income for the local community.

Of the 202 protected areas established as initial components of the NIPAS, 112 have been formally brought under the System by Presidential Proclamation. However, of

these, only 13 protected areas (Tubbataha Coral Reef, Mt. Apo, Mt. Banahaw, etc.) have been officially declared by law as part of the NIPAS. This has caused an administrative rift among the existing protected areas in the country, with the aforementioned 13 protected areas enjoying a higher level of recognition and more effective protection and management by virtue of their respective enacted laws.

The implementation of the law for more than 20 years has likewise revealed provisional gaps that hinder the proper execution of the NIPAS Act as envisioned in its policy declaration. Some of these gaps also caused the non-uniform administration of these protected areas, except for those already enacted into law. Because of this, numerous protected areas have been degraded through a combination of unforeseen destructive acts, and comparatively lenient penalties in light of the importance of these natural national treasures. As such, the deterrent function of the law has been compromised, as a result of destructive acts that escape punishment because they are not expressly penalized in the present law. With the nation experiencing the destructive effects of climate change, the NIPAS Act should be augmented to realize the potential of our environmental wealth as effective natural defenders and mitigators against these calamities.

It is in this regard that amendments to the NIPAS Act are sought.

Particularly, this bill aims to: (1) strengthen the deterrent aspect of the law through the addition of prohibited acts and imposition of stiffer penalties; (2) introduce specific provisions to encourage uniform administration and management of protected areas; (3) improve the enforcement of NIPAS through the addition of provisions on fund use and personnel; and (4) modernize the law pursuant to the development of environmental jurisprudence.

For these reasons, the approval of this Bill is earnestly sought.



ANN K. HOFER

2nd District, Province of Zamboanga Sibugay

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1 **AN ACT AMENDING REPUBLIC ACT NO. 7586, ADDING ADMINISTRATIVE**
2 **MEASURES FOR IMPROVED MANAGEMENT AND PROTECTION OF THE**
3 **NIPAS, PROVIDING ADDITIONAL PROHIBITED ACTS THEREFOR,**
4 **INCREASING THEIR PENALTIES, AND FOR OTHER PURPOSES.**

5

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

8

9 **SECTION 1.** There is hereby inserted Section 2-A to read as follows:

10 "SEC. 2-A. CONSTRUCTION – THE PROVISIONS OF THIS ACT SHALL BE
11 LIBERALLY CONSTRUED IN FAVOR OF THE PROTECTION AND
12 CONSERVATION OF PROTECTED AREAS AS DEFINED IN THIS ACT, AND
13 SHALL BE CONSISTENT WITH THE PRINCIPLES OF BIOLOGICAL
14 DIVERSITY AND SUSTAINABLE DEVELOPMENT."

15

16 **SEC. 2.** There is hereby inserted Section 9-A to read as follows:

17 "SEC. 9-A. MANAGEMENT PLANS SHALL BE MODIFIED AND UPDATED
18 REGULARLY AND ACCORDINGLY THROUGH REFERENCE FROM
19 CONDUCTED STUDIES AND SIMILAR RESOURCES SUCH AS, AMONG
20 OTHERS, THE NATIONAL BIODIVERSITY STRATEGY AND ACTION PLAN,
21 AND THE PHILIPPINE BIODIVERSITY CONSERVATION PRIORITY-
22 SETTING PROCESS, AND THE IN-DEPTH REVIEW OF NIPAS AND
23 RELATED STATUTES ON THE ESTABLISHMENT AND MANAGEMENT OF

1 PROTECTED AREAS IN THE PHILIPPINES, AND SHALL BE DISTRIBUTED
2 TO OTHER GOVERNMENT AGENCIES, LOCAL GOVERNMENT UNITS, AND
3 INDIGENOUS AND/OR LOCAL COMMUNITIES, WITH THE GOAL OF
4 PROPER COORDINATION AND UNIFORM MANAGEMENT OF
5 PROTECTED AREAS.

6
7 **SEC. 3.** There is hereby inserted Section 10-A to read as follows:

8 "SEC. 10-A. PROTECTED AREA MANAGEMENT OFFICE – A PROTECTED
9 AREA MANAGEMENT OFFICE (PAMO), TO BE HEADED BY A PROTECTED
10 AREA SUPERINTENDENT (PASu), SHALL BE ESTABLISHED IN EACH
11 PROTECTED AREA. THE PASu SHALL SERVE AS THE CHIEF OPERATING
12 OFFICER WHO SHALL HAVE FULL RESPONSIBILITY FOR THE
13 PROTECTION OF THE PROTECTED AREA AND ITS RESOURCES. THE
14 PROTECTED AREA MANAGEMENT OFFICE SHALL HAVE A COMPLEMENT
15 STAFF, SUPPORTED BY FIELD OFFICERS, IN THE PERFORMANCE OF
16 DUTIES AND RESPONSIBILITIES IN THE ADMINISTRATION AND
17 COORDINATION FOR THE PROTECTION OF THEIR PROTECTED AREA OF
18 RESPONSIBILITY.

19
20 THE AMOUNT NECESSARY FOR THE IMPLEMENTATION OF THIS
21 PROVISION SHALL BE CHARGED AGAINST THE APPROPRIATIONS OF
22 THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IN
23 THE CURRENT GENERAL APPROPRIATIONS ACT. THEREFORE, SUCH
24 SUMS AS MAY BE NECESSARY TO FULLY IMPLEMENT THE PROVISIONS
25 OF THIS ACT SHALL BE INCLUDED IN THE ANNUAL GENERAL
26 APPROPRIATIONS ACT."

27
28 **SEC. 4.** Section 18 of the law is hereby amended to read as follows:

29 "Sec. 18. Field Officers. – All officials, technical personnel and forest
30 guards employed in the integrated protected area service or all persons
31 deputized by the DENR, upon recommendation of the Management Board
32 shall be considered as field officers and shall have the authority to

1 investigate and search premises and buildings and make arrests in
2 accordance with the rules on criminal procedure for the violation of laws
3 and regulations relating to the protected areas. Persons arrested shall be
4 brought to the nearest police precinct for investigation.

5
6 Nothing herein mentioned shall be construed as preventing regular law
7 enforcers and police officers from arresting any person in the act of
8 violating said laws and regulations.

9
10 FIELD OFFICERS SHALL BE ENTITLED TO REASONABLE DAILY LIVING
11 AND TRANSPORTATION ALLOWANCES, PER DIEMS, HAZARD PAY,
12 HEALTH CARE AND MEDICAL ASSISTANCE, FREE LEGAL ASSISTANCE IN
13 CASE OF HARASSMENT SUITS AND IN THE PROSECUTION OF NIPAS
14 CASES, HONORARIA, AND INSURANCE COVERAGE, FINANCIAL
15 ASSISTANCE, WHERE APPROPRIATE, ALL TO BE FUNDED FROM THE
16 INTEGRATED PROTECTED AREAS FUND (IPAF), AND/OR REGULAR
17 APPROPRIATIONS OF THE AGENCY, SUBJECT TO AVAILABILITY OF
18 FUNDS AND THE USUAL ACCOUNTING AND AUDITING RULES AND
19 REGULATIONS.”

20
21 **SEC. 5.** Section 19 of the law is hereby amended to read as follows:

22 “SEC. 19. (a) SPECIAL PROSECUTORS AND COUNSELS. - THE
23 DEPARTMENT OF JUSTICE (DOJ), UPON RECOMMENDATION OF THE
24 DENR, SHALL DESIGNATE SPECIAL PROSECUTORS FROM AMONG THE
25 STATE AND PUBLIC PROSECUTORS TO DO PRELIMINARY
26 INVESTIGATION AND PROSECUTE VIOLATIONS OF THIS ACT.

27
28 THE DENR MAY RETAIN THE SERVICES OF A COMPETENT LAWYER TO
29 PROSECUTE AND/OR ASSIST IN THE PROSECUTION OF CASES UNDER
30 THE DIRECT CONTROL AND SUPERVISION OF THE REGULAR OR
31 SPECIAL PROSECUTOR, AND DEFEND THE MEMBERS OF THE PAMB, THE
32 PASu AND THE PAMO STAFF, OR ANY PERSON ASSISTING IN THE

1 PROTECTION, CONSERVATION, AND SUSTAINABLE DEVELOPMENT OF
2 THE PROTECTED AREA, AGAINST ANY LEGAL ACTION RELATED TO THE
3 PERFORMANCE OF THEIR POWERS, DUTIES, FUNCTIONS, AND
4 RESPONSIBILITIES AS PROVIDED IN THIS ACT OR AS DELEGATED OR
5 TASKED BY THE DENR SECRETARY.

6
7 (b) ENFORCEMENT OF THIS ACT. - THE ARMED FORCES OF THE
8 PHILIPPINES, THE PHILIPPINE NATIONAL POLICE, THE PHILIPPINE
9 COAST GUARD, THE FIELD AND ENFORCEMENT OFFICERS OF THE
10 DENR, LOCAL GOVERNMENT UNIT (LGU) OFFICIALS, LAW
11 ENFORCEMENT OFFICERS OF LGUs, MEMBERS AND OFFICERS OF THE
12 PAMB, THE PASu AND HIS/HER STAFF, AND OTHER DEPUTIZED
13 ENVIRONMENT AND NATURAL RESOURCE OFFICERS, ARE HEREBY
14 AUTHORIZED AND SHALL COOPERATE IN THE ENFORCEMENT OF THIS
15 ACT, OTHER LAWS, RULES AND REGULATIONS WITHIN THE NIPAS.

16
17 ANY ONE OF THE ABOVE PERSONS AND ENTITIES IS AUTHORIZED TO
18 FILE ADMINISTRATIVE CASES BEFORE THE PROPER AGENCIES AND
19 BODIES, OR INITIATE CRIMINAL PROCEEDINGS IN ACCORDANCE WITH
20 THE RULES OF COURT, FOR OFFENSES COMMITTED WITHIN THE
21 NIPAS.”

22
23 **SEC. 6.** Section 20 of the law is hereby amended to read as follows:

24 “SEC. 20. PROHIBITED ACTS AND PENALTIES. - ANY PERSON WHO
25 SHALL INDUCE ANOTHER OR CONSPIRE TO COMMIT ANY OF THE
26 FOLLOWING ILLEGAL ACTS, OR SUFFER THEIR WORKERS TO COMMIT
27 ANY OF THE SAME, SHALL BE LIABLE IN THE SAME MANNER AS THE
28 ONE ACTUALLY PERFORMING THE ACT.

29
30 EXCEPT AS MAY BE ALLOWED BY THE NATURE OF THEIR CATEGORIES
31 AND PURSUANT TO RULES AND REGULATIONS GOVERNING THE SAME,
32 THE FOLLOWING ARE THE PROHIBITED ACTS WITHIN THE

1 BOUNDARIES OF PROTECTED AREAS, AND THEIR RESPECTIVE
2 PENALTIES:

3
4 (a) THE PENALTIES PRESCRIBED FOR THEFT AND QUALIFIED
5 THEFT IN THE REVISED PENAL CODE, APPLYING THE VALUE OF THE
6 RESOURCES INVOLVED IN CONNECTION WITH THE PROHIBITED ACT AS
7 ASSESSED BY EXPERTS FROM THE DENR USING CURRENT VALUATION
8 STANDARDS AND THE COST OF RESTORATION, AND/OR A FINE OF AT
9 LEAST THE EQUIVALENT OF THE VALUE OF SAID RESOURCES, SHALL BE
10 IMPOSED UPON ANY PERSON WHO:

11
12 (i) HUNTS, POACHES, TAKES, DESTROYS, REMOVES,
13 COLLECTS, DISTURBS, OR POSSESSES ANY WILD TERRESTRIAL OR
14 AQUATIC PLANTS OR ANIMALS, ENDANGERED OR PROTECTED SPECIES,
15 FLORA OR FAUNA, SAND, ROCKS, OR BY-PRODUCTS DERIVED
16 THEREFROM;

17
18 (ii) CUTS, GATHERS, REMOVES, OR COLLECTS TIMBER OR ANY
19 FOREST PRODUCTS, INCLUDING ENGAGEMENT IN KAINGIN, OR
20 CAUSING FOREST OR BRUSH FIRES;

21
22 (iii) POSSESSES OR TRANSPORTS, WITHIN OR OUTSIDE THE
23 PROTECTED AREA, ANY TIMBER, FOREST PRODUCTS, WILD
24 TERRESTRIAL OR AQUATIC PLANTS, ANIMALS, OR BY-PRODUCTS
25 DERIVED THEREFROM;

26
27 (iv) UNDERTAKES, MINERAL EXPLORATION, MINERAL
28 EXTRACTION, OR QUARRYING OF SAND, GRAVEL, GUANO, LIMESTONE
29 OR ANY MATERIAL;

30
31 (v) MUTILATES, DEFACES, OR DESTROYS OBJECTS OF
32 NATURAL BEAUTY, OR OBJECTS OF INTEREST TO CULTURAL

1 COMMUNITIES (OF SCENIC VALUE);

2
3 (vi) CONDUCTS BIOPROSPECTING, AS DEFINED UNDER
4 REPUBLIC ACT NO. 9147 OR THE WILDLIFE ACT; AND

5
6 (vii) ESTABLISHES OR INTRODUCES ANY EXOTIC SPECIES
7 WHICH ARE DETRIMENTAL TO ENDEMIC SPECIES AND THE ECOSYSTEM
8 THEREIN.

9
10 (b) IMPRISONMENT FROM SIX (6) YEARS AND ONE (1) DAY BUT
11 NOT MORE THAN TWELVE (12) YEARS AND/OR A FINE OF NOT LESS
12 THAN ONE HUNDRED THOUSAND PESOS (P 100,000) BUT NOT MORE
13 THAN ONE MILLION PESOS (P 1,000,000), SHALL BE IMPOSED UPON
14 ANY PERSON WHO:

15
16 (i) OCCUPIES AND/OR POSSESSES AN AREA OR AREAS
17 WITHIN THE PROTECTED AREA FOR COMMERCIAL, BUSINESS, OR
18 OTHER PURPOSES EXCEPT RESIDENTIAL;

19
20 (ii) CONSTRUCTS OR MAINTAINS ANY KIND OF BUILDING,
21 SHED, FENCE, ENCLOSURE, OR ANY KIND OF STRUCTURE, WHETHER
22 TEMPORARY OR PERMANENT, FOR COMMERCIAL, BUSINESS, OR OTHER
23 PURPOSES EXCEPT RESIDENTIAL;

24
25 (iii) CONDUCTS OR MAINTAINS ANY BUSINESS ENTERPRISE
26 WITHOUT THE PROPER PERMITS;

27
28 (iv) CONDUCTS TREASURE-HUNTING AND PROSPECTING
29 ACTIVITIES;

30
31 (v) DUMPS OR LEAVES IN EXPOSED UNSANITARY
32 CONDITIONS REFUSE OR DEBRIS, OR DEPOSITS IN GROUND OR BODIES

1 OF WATER, PRODUCTS DETRIMENTAL TO THE SAME, OR TO ANY WILD
2 TERRESTRIAL OR AQUATIC PLANTS OR ANIMALS, ENDANGERED OR
3 PROTECTED SPECIES, FLORA OR FAUNA, OR OTHER INHABITANTS
4 THEREIN, INCLUDING INDIGENOUS PEOPLE AND TENURED MIGRANTS;
5

6 (vi) USES ANY MOTORIZED EQUIPMENT, VEHICLE, OR VESSEL,
7 WITHOUT THE PROPER PERMITS, INCLUDING THE DAMAGING OR
8 INJURING OF ANY AREA, OR ANY WILD TERRESTRIAL OR AQUATIC
9 PLANTS OR ANIMALS, ENDANGERED OR PROTECTED SPECIES, FLORA
10 OR FAUNA, OR OTHER INHABITANTS THEREIN, INCLUDING
11 INDIGENOUS PEOPLE AND TENURED MIGRANTS AS A RESULT OF SUCH
12 USE;
13

14 (vii) SELLS, BUYS, OR LEASES, AN AREA, AREAS, OR RIGHTS
15 FOR AREAS WITHIN THE BOUNDARIES OF THE PROTECTED AREA,
16 INCLUDING THE CONDUCT OF LAND SURVEYS FOR PURPOSES OTHER
17 THAN BOUNDARY DELINEATION OF THE PROTECTED AREA, AND/OR
18 THE ISSUANCE OF SURVEY PLANS OR LAND TITLES/RIGHTS PURSUANT
19 THERETO;
20

21 (viii) DAMAGES AND/OR LEAVES ROADS AND TRAILS IN A
22 DAMAGED CONDITION;
23

24 (ix) INJURES, COERCES, THREATENS, OR HARASSES THE
25 MEMBERS OF THE PAMB, THE PASu AND THE PAMO STAFF, FIELD
26 OFFICERS, OR ANY PERSON ASSISTING IN THE PROTECTION,
27 CONSERVATION, AND SUSTAINABLE DEVELOPMENT OF THE
28 PROTECTED AREA, AS A RESULT OF OR IN RELATION TO THE
29 PERFORMANCE OF THEIR DUTIES AND RESPONSIBILITIES, INCLUDING
30 THE OBSTRUCTION IN ANY MANNER OF SUCH PERFORMANCE; AND
31

32 (x) ANY OTHER ACT OR OMISSION RESULTING TO THE

1 DAMAGE, INJURY, AND/OR DEGRADATION OF THE PROTECTED AREA,
2 ANY WILD TERRESTRIAL OR AQUATIC PLANTS OR ANIMALS,
3 ENDANGERED OR PROTECTED SPECIES, FLORA OR FAUNA, OR OTHER
4 INHABITANTS THEREIN, INCLUDING INDIGENOUS PEOPLE AND
5 TENURED MIGRANTS.

6
7 (c) IMPRISONMENT FROM SIX (6) MONTHS AND ONE (1) DAY BUT
8 NOT MORE THAN SIX (6) YEARS AND/OR A FINE OF NOT LESS THAN
9 FIFTY THOUSAND PESOS (P 50,000) BUT NOT MORE THAN FIVE
10 HUNDRED THOUSAND PESOS (P 500,000), SHALL BE IMPOSED UPON
11 ANY PERSON WHO:

12
13 (i) OCCUPIES AND/OR POSSESSES AREAS WITHIN THE
14 PROTECTED AREA FOR RESIDENTIAL PURPOSES;

15
16 (ii) CONSTRUCTS OR MAINTAINS ANY KIND OF BUILDING,
17 SHED, FENCE, ENCLOSURE, OR ANY KIND OF STRUCTURE, WHETHER
18 TEMPORARY OR PERMANENT, FOR RESIDENTIAL PURPOSES;

19
20 (iii) OFFERS FOR SALE, OFFERS TO BUY, OR OFFERS TO LEASE
21 AN AREA, AREAS, OR RIGHTS FOR AREAS WITHIN THE PROTECTED
22 AREA; AND

23
24 (iv) ALTERS, REMOVES, DESTROYS, OR DEFACES BOUNDARY
25 MARKS OR SIGNS.

26
27 PROSECUTION FOR VIOLATION OF THIS ACT SHALL BE WITHOUT
28 PREJUDICE TO THE PROSECUTION OF THE OFFENDER FOR VIOLATION
29 OF OTHER LAWS, RULES AND REGULATIONS.”

30
31 **SEC. 7.** Section 21 of the law is hereby amended to read as follows:

32 “SEC. 21. COMMON PENAL PROVISIONS. – IN ADDITION TO THE

PENALTIES PRESCRIBED FOR THE PROHIBITED ACTS IN THE PREVIOUS SECTION, THE FOLLOWING ARE LIKEWISE IMPOSED FOR ANY VIOLATION OF THIS ACT:

(a) PAYMENT OF A FINE EQUIVALENT TO THE COST OF THE AREA OR THING DAMAGED, INJURED, OR DEGRADED, AS DETERMINED AFTER ASSESSMENT BY EXPERTS FROM THE DENR USING CURRENT VALUATION STANDARDS AND COST OF RESTORATION;

(b) RESTORATION, REHABILITATION, OR COMPENSATION FOR THE RESTORATION OR REHABILITATION OF THE AREA, AS NECESSARY;

(c) EVICTION OF THE OFFENDER FROM THE PROTECTED AREA, AND FORFEITURE IN FAVOR OF THE GOVERNMENT OF ALL WILD TERRESTRIAL OR AQUATIC PLANTS OR ANIMALS, ENDANGERED OR PROTECTED SPECIES, FLORA OR FAUNA, SAND, ROCKS, GRAVEL, GUANO, LIMESTONE OR ANY MATERIAL, OR BY-PRODUCTS THEREFROM, INCLUDING ANY MOTORIZED EQUIPMENT, VEHICLE, VESSEL, BUILDING, FIREARM, OR ANY OTHER EQUIPMENT, DEVICE, OR CONSTRUCTION USED IN CONNECTION WITH THE VIOLATION OF THIS ACT. SUCH FORFEITED OBJECTS SHALL ACCRUE TO THE USE OF THE DENR IN THE PROTECTION AND CONSERVATION OF THE NIPAS WHERE APPLICABLE;

(d) IN CASE AN OFFENDER HAS DERIVED INCOME OR PROFIT AS A RESULT OF THE PROHIBITED ACT/S, A FINE EQUIVALENT TO THE ACTUAL REALIZED PROFIT OR PRESUMPTIVE INCOME, WHICHEVER IS HIGHER, SHALL ALSO BE IMPOSED. SUCH PROFIT OR INCOME SHALL BE COMPUTED FROM THE TIME THE PROHIBITED ACT/S COMMENCED UP TO THE TIME THAT IT HAS CEASED.

(e) IF THE OFFENDER IS AN ASSOCIATION OR CORPORATION, PAYMENT OF FINES SHALL BE IN AN AMOUNT TWICE THAT AS

1 PRESCRIBED IN THIS ACT, AND THE DIRECTORS AND OFFICERS SHALL
2 SUFFER THE IMPRISONMENT;

3
4 (f) IF THE OFFENDER IS A FOREIGN NATIONAL, THEY SHALL BE
5 DEPORTED AFTER SERVICE OF SENTENCE AND PAYMENT OF FINES
6 WHICH SHALL BE IN AN AMOUNT THRICE THAT AS PRESCRIBED IN
7 THIS ACT. A HOLD DEPARTURE ORDER SHALL BE ISSUED AS A
8 CONDITION FOR THE GRANT OF BAIL TO ANY FOREIGN OFFENDER, AND
9 ALL PASSPORTS AND DOCUMENTS WHICH MAY BE USED BY THE
10 ACCUSED TO FLEE THE COUNTRY MUST BE SURRENDERED TO THE
11 COURT; AND

12
13 (g) IF THE OFFENDER IS A GOVERNMENT OFFICIAL OR EMPLOYEE,
14 THE PENALTY OF PERPETUAL DISQUALIFICATION FROM PUBLIC
15 OFFICE SHALL ALSO BE IMPOSED.

16
17 THE FINES HEREIN PRESCRIBED SHALL BE INCREASED BY AT LEAST
18 TEN PERCENT (10%) EVERY THREE (3) YEARS TO COMPENSATE FOR
19 INFLATION AND TO MAINTAIN THE DETERRENT FUNCTION OF SUCH
20 FINES.

21
22 ALL PAYMENT OF FINES, COSTS, AND DAMAGES, EXCEPT THOSE
23 DAMAGES THAT ARE PERSONAL IN NATURE, SHALL ACCRUE FULLY TO
24 THE INTEGRATED PROTECTED AREAS FUND (IPAF), FORMING PART OF
25 ITS FUNDS AND ASSETS.

26
27 **SEC. 8.** A new Section 22 is hereby inserted to read as follows:

28 "SEC. 22. CITIZEN'S SUITS. – FOR THE PURPOSES OF ENFORCING THE
29 PROVISIONS OF THIS ACT OR ITS IMPLEMENTING RULES AND
30 REGULATIONS, ANY CITIZEN MAY FILE AN APPROPRIATE CIVIL,
31 CRIMINAL, OR ADMINISTRATIVE ACTION IN THE PROPER
32 COURT/BODIES AGAINST:

1 (a) ANY PERSON WHO VIOLATES OR FAILS TO COMPLY WITH THE
2 PROVISIONS OF THIS ACT, ITS IMPLEMENTING RULES AND
3 REGULATIONS; OR
4

5 (b) THOSE MANDATED TO IMPLEMENT AND ENFORCE THE
6 PROVISIONS OF THIS ACT WITH RESPECT TO ORDERS, RULES AND
7 REGULATIONS INCONSISTENT WITH THIS ACT; AND/OR
8

9 (c) ANY PUBLIC OFFICER WHO WILFULLY OR GROSSLY NEGLECTS
10 THE PERFORMANCE OF AN ACT SPECIFICALLY ENJOINED AS A DUTY BY
11 THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS, OR
12 ABUSES HIS AUTHORITY IN THE PERFORMANCE OF HIS DUTY, OR, IN
13 ANY MANNER IMPROPERLY PERFORMS HIS DUTIES UNDER THIS ACT
14 OR ITS IMPLEMENTING RULES AND REGULATIONS: PROVIDED,
15 HOWEVER, THAT, NO SUIT CAN BE FILED UNTIL AFTER A THIRTY (30)-
16 DAY NOTICE HAS BEEN GIVEN TO THE PUBLIC OFFICER AND THE
17 ALLEGED VIOLATOR CONCERNED AND NO APPROPRIATE ACTION HAS
18 BEEN TAKEN THEREON. THE COURT SHALL EXEMPT SUCH ACTION
19 FROM THE PAYMENT OF FILING FEES, UPON PRIMA FACIE SHOWING OF
20 THE NON-ENFORCEMENT OR VIOLATIONS COMPLAINED OF AND
21 EXEMPT THE PLAINTIFF FROM THE FILING OF AN INJUNCTION BOND
22 FOR THE ISSUANCE OF PRELIMINARY INJUNCTION.
23

24 IN THE EVENT THAT THE CITIZEN SHOULD PREVAIL, THE COURT SHALL
25 AWARD REASONABLE ATTORNEY'S FEES, MORAL DAMAGES, AND
26 LITIGATION COSTS AS APPROPRIATE."
27

28 **SEC. 9.** A new section 23 is hereby inserted to read as follows:
29

30 "SEC. 23. SUITS AND STRATEGIC LEGAL ACTION AGAINST PUBLIC
31 PARTICIPATION (SLAPP) AND THE ENFORCEMENT OF THIS ACT. -
32 WHERE A SUIT IS BROUGHT AGAINST A PERSON WHO FILED AN ACTION

1 AS PROVIDED IN SECTION 22 OF THIS ACT, OR AGAINST ANY PERSON,
2 INSTITUTION, OR GOVERNMENT AGENCY THAT IMPLEMENTS THIS ACT,
3 IT SHALL BE THE DUTY OF THE INVESTIGATING PROSECUTOR OR THE
4 COURT, AS THE CASE MAY BE, TO IMMEDIATELY MAKE A
5 DETERMINATION NOT EXCEEDING THIRTY (30) DAYS WHETHER SAID
6 LEGAL ACTION HAS BEEN FILED TO HARASS, VEX, EXERT UNDUE
7 PRESSURE OR STIFLE SUCH LEGAL RECOURSES OF THE PERSON
8 COMPLAINING OF OR ENFORCING THE PROVISIONS OF THIS ACT. UPON
9 DETERMINATION THEREOF, EVIDENCE WARRANTING THE SAME, THE
10 INVESTIGATING PROSECUTOR OR THE COURT, AS THE CASE MAY BE,
11 SHALL DISMISS THE COMPLAINT. IN ADDITION, THE COURT SHALL
12 AWARD THE ATTORNEY'S FEES AND DOUBLE THE AMOUNT OF
13 DAMAGES.

14
15 THE PROVISION SHALL ALSO APPLY AND BENEFIT PUBLIC OFFICERS
16 WHO ARE SUED FOR ACTS COMMITTED IN THEIR OFFICIAL CAPACITY,
17 THERE BEING NO GRAVE ABUSE OF AUTHORITY, AND DONE IN THE
18 COURSE OF ENFORCING THIS ACT."

19
20 **SEC. 9.** Sections 22 to 24 of the previous NIPAS Act are hereby renumbered
21 as Sections 24, 25, and 26 respectively.

22
23 **SEC. 10. *Separability Clause.*** - If any portion or provision of this Act is
24 declared void and unconstitutional, the remaining portions or provisions hereof
25 shall not be affected by such declaration.

26
27 **SEC. 11. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations,
28 other issuances, or parts thereof inconsistent with the provisions of this Act are
29 hereby repealed or modified accordingly.

30
31 **SEC. 12. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after
32 its complete publication in at least two (2) national newspapers of general

1 circulation.

2

3 Approved,

4

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