

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress
Third Regular Session

HOUSE BILL NO. **5966**



Introduced by Honorable Fernando V. Gonzalez

EXPLANATORY NOTE

Cognizant of the profound impact of human activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement; recognizing the critical importance of protecting and maintaining the natural and physical diversities of the environment notably areas of unique biological significance in order to sustain life; taking into account the socio-cultural, economic, aesthetic and environmental values of the ecosystem of Ticao and Burias Pass and its surrounding areas to the Provinces of Albay, Sorsogon and Masbate, particularly its seascape resources, the diversity of its floral and fauna; and finally, in pursuit of the State's duty to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, it is hereby declared the policy of the State to secure for the Filipino people to present and future generations, the protection and conservation of Ticao and Burias Pass and its surrounding areas in accordance with Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992 and international conventions to which the Philippines is a signatory.

Pursuant to the above policy, the NIPAS Act and as provided herein, Ticao and Burias Pass, and its surrounding vicinities with boundaries as described hereunder, is hereby declared and established as a protected area under the category of a protected seascape to be known as the Ticao-Burias Pass Protected Seascape.

A handwritten signature in dark ink, appearing to be "Fernando V. Gonzalez", written in a cursive style.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress
Third Regular Session

HOUSE BILL NO. 5966

Introduced by Honorable Fernando V. Gonzalez

AN ACT

DECLARING THE TICAO-BURIAS PASS AND ITS SURROUNDING AREAS, ALL SITUATED IN THE PROVINCES OF ALBAY, SORSOGON, AND MASBATE AS PROTECTED SEASCAPE, PURSUANT TO REPUBLIC ACT 7586, OTHERWISE KNOWN AS THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992

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

Article I – Title, Policies and Scope

SECTION 1. Title. – This Act shall be known as the TICAO-BURIAS PASS PROTECTED SEASCAPE OF 2015.

Sec. 2. Statement of Policy. – Cognizant of the profound impact of human activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement; recognizing the critical importance of protecting and maintaining the natural and physical diversities of the environment notably areas of unique biological significance in order to sustain life; taking into account the socio-cultural, economic, aesthetic and environmental values of the ecosystem of Ticao and Burias Pass and its surrounding areas to the Provinces of Albay, Sorsogon and Masbate, particularly its seascape resources, the diversity of its floral and fauna and finally, in pursuit of the State's duty to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, it is hereby declared the policy of the State to secure for the Filipino people of present and future generations the protection and conservation of Ticao and Burias Pass and its surrounding areas in accordance with Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992 and international conventions to which the Philippines is a signatory.

Sec. 3. Declaration. - Pursuant to the above policy, the NIPAS Act and as provided herein, Ticao and Burias Pass and its surrounding vicinities with boundaries as described hereunder, is hereby declared and established as a protected area under the category of a protected seascape to be known as the Ticao-Burias Pass Protected Seascape.

Sec. 4. Definition of Terms. – For purposes of this Act, the following terms are hereby defined:

- (a) "TBPPS" or "protected area" refers to Ticao-Burias Pass Protected Seascape as established herein;
- (b) "Genetically Modified Organisms" or GMO means any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology through *in vitro* nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombination barriers that are not techniques used in traditional breeding and selection.
- (c) "LGUs" shall pertain to local government units within the TBPPS;
- (d) "PAMB" refers to the TBPPS Protected Area Management Board;
- (e) "PAMO" – Protected Area Management Office;
- (f) "PASO" shall refer to the Protected Area Superintendent Office comprised of the PASu and his/her staff;
- (g) "PASu" refers to the Protected Area Superintendent.
- (h) "Protected species" shall refer to any plant or animal declared protected under Philippine laws and international conventions, including species listed under the Convention on International Trade of Endangered Species (CITES) and all its Annexes, the Bonn Convention on Migratory Species, the Red-list Categories of the World Conservation Union (IUCN), or any plant or animal which the PAMB may deem critical for the conservation and preservation of the BVNP.

Sec. 5. Scope. – The Ticao-Burias Pass Protected Seascape (TBPPS) shall cover the Provinces of Albay, Sorsogon and Masbate, containing an area of 356,195 hectares subject to ground survey with the following technical description:

Corner	Northing	Easting
1	1466400	529278.8
2	1465507	530796.2
3	1463412	532088.8
4	1461039	533399.4
5	1459734	534933.6
6	1458636	535158
7	1458195	534546.2
8	1458523	533974
9	1458256	533177.7
10	1457158	532699.6
11	1455590	533411.3
12	1454560	532423.9

13	1453715	531227.4
14	1452703	531250.2
15	1450643	531501.1
16	1449011	531019.3
17	1447080	531831.1
18	1445006	531458.4
19	1444014	530498.7
20	1442950	530979.9
21	1442696	532373.4
22	1441359	532253.6
23	1439954	532870.5
24	1437905	534481.6
25	1437900	535080
26	1438427	535875
27	1438984	537838.4
28	1439416	539096
29	1440148	539963.2
30	1441158	540140.5
31	1441563	541640.8
32	1440791	542172.9
33	1440874	542654.5
34	1441783	543386.6
35	1441828	544721.3
36	1441681	545571.7
37	1440522	546979.9
38	1437894	549754.5
39	1436399	551290
40	1435476	553113.1
41	1434995	553419.5
42	1431186	556705.5
43	1430524	556938.3
44	1430251	557823.2
45	1431483	558651.8
46	1429205	561995.5
47	1427497	563262.2
48	1426142	563371.8
49	1425994	564719.4
50	1425878	566540.4
51	1422806	570601.5
52	1424241	571447.5
53	1422219	574743.9
54	1422806	575948.7
55	1420170	579376.8
56	1418803	583187.3
57	1417139	588237.1
58	1417457	590845.5

59	1412653	591582.2
60	1405807	592201.7
61	1401785	594019.8
62	1399079	594940.7
63	1396987	598011.7
64	1395881	597780.1
65	1394045	599159.6
66	1394902	599800.6
67	1394099	601781.5
68	1393403	601551.6
69	1392443	602466.5
70	1389423	604734.8
71	1387219	606999.1
72	1386752	608138.9
73	1386090	610909
74	1385603	613234.2
75	1386383	613823.6
76	1386205	615266.8
77	1384525	618645
78	1360761	587868.5
79	1362341	587860.9
80	1363747	586138.3
81	1365157	586473.3
82	1365787	586365.4
83	1366601	586695.3
84	1367568	586924.7
85	1368449	586341.8
86	1369608	586032.7
87	1370485	586081.2
88	1372435	585330.3
89	1373284	584960.2
90	1374004	584895.6
91	1377011	583860.8
92	1378811	583871.7
93	1380270	583587.3
94	1381212	583552.2
95	1384542	581847
96	1386296	581181.9
97	1389463	579996.2
98	1391500	579779.4
99	1394801	578458.6
100	1394669	577920.6
101	1394234	577279.2
102	1394191	576886
103	1394910	576899.2
104	1395474	577120.2

105	1396080	576626.7
106	1397493	574563.7
107	1398025	571906.9
108	1398585	571014.4
109	1400381	569565
110	1402560	568437.6
111	1403488	567404.3
112	1402969	566641.5
113	1402032	565768.8
114	1402332	565096.5
115	1401861	564866.2
116	1401139	565019
117	1399617	565666.3
118	1397666	566361
119	1397502	565766.2
120	1397876	565516
121	1397904	565067
122	1397442	564421.2
123	1396891	564425.3
124	1396705	564113
125	1397213	563847.2
126	1398974	563079.9
127	1398250	562960.3
128	1396847	563033.2
129	1396431	562733.8
130	1403138	541946.6
131	1404461	541275.6
132	1405886	540691.3
133	1406611	539949.1
134	1407933	538380
135	1409228	537279.9
136	1409454	536488
137	1410306	536394.6
138	1412233	535214.8
139	1414237	533885.8
140	1413391	533465.9
141	1416370	531594.8
142	1418361	530971.2
143	1419261	530280
144	1421759	530377.7
145	1423115	530429.2
146	1424536	530177.8
147	1425902	528934.6
148	1427375	526125.7
149	1427097	524185.8
150	1427312	521330.7

151	1428840	519068.4
152	1431915	517458.2
153	1435902	515707.3
154	1441540	511490.2
155	1443450	510883.5
156	1452956	505174.1
157	1452615	501498.9
158	1454285	497852.6
159	1453469	493910.9
160	1450273	492047.3
161	1448955	492195.7
162	1446610	493976.8
163	1443700	493300.1
164	1440394	492965.2
165	1454645	477416.6
166	1458045	484212

Article II – Management, Management Plan and Zoning

Sec. 6. Management of the TBPPS. – The management and administration of the TBPPS shall be vested with the PAMB; provided, that the management of zones to be established within the TBPPS shall be consultative and participatory.

The PAMB shall be responsible for the planning, resource protection and general administration of the TBPPS in accordance with the approved Management Plan.

Sec. 7. Management Plan. – There shall be a Management Plan which shall serve as the long-term basic framework for the management of TBPPS, govern all activities within the TBPPS, and guide the preparation of the annual operations plan and budget. The Management Plan shall be consistent with this Act and the nature of the TBPPS as a protected area under the category of a protected seascape. A Manual containing the Management Plan and other supporting data shall be prepared in accordance with the implementing rules of the NIPAS Act.

Within one (1) year from the effectivity of this Act, the PASO shall prepare the Management Plan in accordance with the General Management Planning Strategy as provided in the implementing rules of the NIPAS Act. It shall contain, among others, the following:

- (a) A period of applicability for ten (10) years subject to review every five (5) years;
- (b) Key management issues;
- (c) Goals and objectives of management in support of Section 2 hereof;
- (d) Zoning in accordance with Section 8 hereof;

- (e) Management programs to include enforcement of laws, habitat and wildlife management, ecotourism, sustainable use, management, infrastructure development and maintenance, fire prevention and pest control;
- (f) Sustainable and non-destructive livelihood activities;
- (g) Regulations in furtherance of the preservation and conservation aims of the TBPPS such as allowable activities, resource-use restrictions, among others; and
- (h) Other relevant conservation matters.

The Management Plan shall be reviewed and adopted by the PAMB and certified to by the DENR Secretary. The Management Plan shall not be revised or modified without prior consultation with the PAMB. It shall be reviewed and updated every five (5) years.

Two (2) years prior to the expiration of the current Management Plan, the PASO shall cause the publication of notices for comments and suggestions on the new Management Plan that will succeed the old one in a newspaper of general circulation and the posting thereof in the provincial, municipality/city and barangay halls of the LGUs comprising the TBPPS, and in three (3) other conspicuous areas frequented by the public within the TBPPS. At least two (2) public hearings shall be conducted on the proposed successor plan and shall be made available for public perusal at the PASO.

The Management Plan and all its successor plans shall be prepared in English, Filipino and Bicol, plainly written and made accessible to the public at the PASO.

Sec. 8. Zoning – Strict Protection Zone and Multi-Use Zone shall be established within the TBPPS giving primary consideration to its protection and conservation. Zoning shall also take into account the tenurial and livelihood concerns of communities to ensure the efficient protection of habitats, fragile ecosystems and unique areas.

The establishment and management of zones must involve the community concerned by undertaking such steps as dialogues, consultations and land and resource-use mapping. Zones shall be demarcated on the ground and indicated on maps with the participation of communities, LGUs, and other stakeholders.

Buffer zone shall also be established within the peripheral areas of the TBPPS in accordance with the Management Plan to serve as a social fence where tenurial and sustainable resource-use rights may be granted to qualified groups and individuals.

Article III – Institutional Mechanism, Roles and Functions

Sec. 9. PAMB – (a) There shall be a Protected Area Management Board which shall serve as the highest policy-making body of the TBPPS. It shall be composed of the following:

- (a) The Regional Director (RD) of Region V as PAMB Chair;
- (b) The Provincial Planning & Development Officers of Albay, Sorsogon and Masbate;

- (c) The Environment and Natural Resources Officer (ENRO) of the Provinces of Albay, Sorsogon and Masbate (PENRO-LGU);
- (d) One (1) regular representative from each municipality/city with territory within TBPPS;
- (e) One (1) regular representative from each barangay with territory within TBPPS;
- (f) One (1) representative from every NGO, PO, church or civic organization but not to exceed five (5), all of whom must be based in or near TBPPS;
- (g) One (1) representative from other government agencies with direct interest or involvement in protected area management; and
- (h) One (1) representative from academic institutions with direct interest or involvement in protected area management.

Every PAMB shall serve for a term of five (5) years, renewable for another five (5) years; Provided, That he/she remains connected with the office or sector he/she is supposed to represent; Provided, further, That LGU representatives must present the necessary endorsement from their respective Sanggunians. Whenever a vacancy occurs during the term of a non-government PAMB member, a new member shall be chosen in the same manner as the original selection process and only for the remaining term.

Sec. 10. Powers and Functions of the PAMB – The PAMB shall decide by majority vote and shall have the following powers and functions:

- (a) Issue rules and regulations to control, prohibit and regulate all acts that may be prejudicial to the TBPPS pursuant to the policy declarations herein set forth, including the imposition fines to a maximum of Twenty thousand pesos (P20,000.00) and issuance of cease and desist orders, whenever justified;
- (b) Regulate, control and issue permits in accordance with the Management Plan pertinent environmental laws and regulations particularly with regard to infrastructure activities, public utilities, waste management, business enterprises and research activities within the TBPPS, including the power to prescribe appropriate fees and charges;
- (c) Review, approve and adopt a Management Plan for TBPPS;
- (d) Recommend the deputation through the PASu individuals or groups to augment the protection personnel of TBPPS for the enforcement of laws, rules and regulations therein, and prescribe, qualifications thereof;
- (e) Approve contracts and agreements consistent with the purpose of this Act.
- (f) Accept donations and grants;

- (g) Review and approve proposals for funding, financial and work plans, and exercise accountability over all funds that may accrue to the TBPPS;
- (h) Promulgate rules and regulations on the conduct of its business
- (i) Monitor and evaluate the performance of all PASO personnel;
- (j) Retain legal counsel to defend cases against the PAMB, the PASO staff and deputized individuals whenever they are sued in connection with the performance of their duties and functions under this Act, and to assist in other PAMB legal matters; and
- (k) Initiate and file suits against persons or entities whose business or activities are detrimental to the protected area.

Sec. 11. Protected Area Superintendent's Office – There is hereby created a Protected Area Superintendent's Office (PASO) which shall perform the day-to-day management, protection and administration of the TBPPS. It shall be headed by the Protected Area Superintendent (PASu) as its chief operating officer who shall be directly accountable to the PAMB and the Provincial Environment and Natural Resources Officers of the DENR (PENRO-DENR) in Albay, Sorsogon and Masbate. The PASu shall coordinate his/her activities with the CENROs with regards to DENR programs that are related to protected area management.

The PASO shall be staffed by a sufficient number of personnel with functions and qualifications as provided for by the PAMB. The PASO staff shall preferably be hired from residents of the municipalities comprising TBPPS, unless otherwise not qualified.

The PASu shall prepare an annual accomplishment report on all activities undertaken in the protected area for PAMB review and submission to the DENR Secretary.

Sec. 12. Local Government Units – LGUs shall be represented in the PAMB and shall have the following functions:

- (a) Apprise their respective constituents, office and sector on activities and programs for the protected area;
- (b) Ensure consistency in the implementation of all activities in the protected area;
- (c) Retain their ordinance-making powers over the protected area; Provided, That on matters relating to biodiversity conservation, protection and sustainable development, the ordinances shall be consistent with the Management Plan;
- (d) In the formulation of their development plan, LGUs shall consider the TBPPS Management Plan;
- (e) Assist the PAMB in the implementation of the overall park programs, including but not limited to the imposition, collection and utilization of park fees, enforcement of policies, rules and regulations and other similar park activities;

- (f) Accredite people's organizations, NGOs and other entities and groups involved in activities within the TBPPS; and
- (g) Provide the PAMB with relevant information and data for the effective management of the protected area.

Article IV – Utilization of Resources

Sec. 13. Utilization of Resources – Except upon prior approval of the PAMB and consistent with the Management Plan the use of natural resources within TBPPS shall not be allowed. However, the sustainable use of resources by tenured migrants for their domestic needs or for subsistence shall not be restricted except protected species and whenever highly detrimental to the ecosystem.

Article V – Prohibited Acts

Sec. 14. Prohibited Acts – The following acts are prohibited within the TBPPS with their respective penalties:

- (a) A fine of not less than Five thousand pesos (P5,000.00) to not more than Five hundred thousand pesos (P500,000.00) and imprisonment of not less than six (6) years and one (1) day to not more than twelve (12) years shall be imposed upon any person who:
 - (1) Collects, takes, destroys, traps, disturbs or otherwise possesses any wild plant, animal or product, including genetic resources, derived from the TBPPS without prior PAMB permit: Provided, That such permit can only be given for scientific purposes and necessary for protected area management;
 - (2) Engages in illegal fishing activities in TBPPS;
 - (3) Introduces exotic species or genetically modified organisms within the TBPPS; and
 - (4) Discharges, leaves or dumps any waste product or substance deleterious to the TBPPS ecosystem or to any of the flora and fauna therein;
- (b) A fine of not less than Five thousand pesos (P5,000.00) to not more than Two hundred fifty thousand pesos (P250,000.00) and imprisonment of not less than six (6) months and one (1) day to not more than six (6) years shall be imposed upon any person who:
 - (1) Uses or possesses motorized equipment, explosives or any noxious substance anywhere within the strict protection zones of the TBPPS as delineated by the PAMB;
 - (2) Obstructs or hinders the enforcement of this Act, the Management Plan and its pertinent rules and regulations.

- (c) A fine of not less than Five thousand pesos (P5,000.00) to not more than Fifty thousand pesos (P50,000.00) or imprisonment of not less than one (1) month and one (1) day to not more than six (6) months, or both, shall be imposed upon any person who:
- (1) Except as otherwise provided, violates the Management Plan or any rule or resolution promulgated by the PAMB;
 - (2) Alters, removes, destroys or deface boundaries, marks or signs;
 - (3) Enters the TBPPS without prior PAMB permit for purposes of spelunking and other recreational activities;
 - (4) Dumps, litters or otherwise leaves debris, refuse or garbage within the TBPPS.
- (d) Any provision to the contrary notwithstanding, the commission of any unlawful act under Section 17 (a) shall carry the penalty of imprisonment of not less than twelve (12) years and one (1) day to not more than twenty (20) years and a fine of not less than Five hundred thousand pesos (P500, 00.00) to not more than One million pesos (P1, 000,000.00), whenever the species involved is a protected species as provided herein. Any citizen may institute the necessary charge against an offender for commission of the acts enumerated under this section.
- (e) A conviction under this Section shall carry the accessory penalties of eviction from the TBPPS, payment of damages for rehabilitation and restoration, and the forfeiture of all conveyances, equipment, device, instrument, tool or weapon used in the commission of the offense as well as the flora, fauna and resources caught in the possession of the accused. In case the offender is an association, partnership or corporation, the president or manager of the said corporation shall be held liable for the act of his/her employees or workers.
- (f) The DENR through the PASu may impose administrative sanctions against the offender for violations committed under this Act. The PASu may confiscate all conveyances, equipment, device, instrument, tool or weapon used in the commission of the offense caught en flagrante including the animals, plants and other resources from the TBPPS found in the possessions of the offender.
- (g) In case of conviction, the penalty consisting of fines and damages shall directly accrue to the IPAF as herein provided.

Article VI – Proceeds and Fees

Sec. 15. Integrated Protected Area Fund – The Integrated Protected Areas Fund (IPAF) for TBPPS is hereby established as a special trust fund for the protection, maintenance, administration and management of the TBPPS. One hundred percent (100%) of the IPAF shall be retained by the PAMB and be exempted from deposit to the National Treasury strictly for the above use, subject to regular accounting and audit procedures. The IPAF shall be derived from the following sources:

- (a) Fees and charges from facilities and rights directly benefiting from the protected area including rights derived there from;
- (b) Fines from violations inside the protected area;
- (c) Proceeds from lease of multiple use or special use areas including tourism concessions;
- (d) Fees from permitted sale of flora, fauna and other forest resources;
- (e) Entrance fees and rents of facilities in Recreation Zones;
- (f) Contribution, donations endowments and grants from any source, and;
- (g) Other revenues as provided in this Act.

All donations, grants and endowments shall be exempted from donor's tax, documentary stamp tax and all other taxes, charges and fees imposed by the government.

Current sources of revenue of LGUs such as business permits and real property taxes shall be excluded from IPAF.

Sec. 16. Appropriations – In order to carry out the purposes of this Act, an annual aggregate amount of One Hundred Million Pesos (P100,000,000.00) shall be included in the annual General Appropriations Act and allocated for the use of the TBPPS.

Article VII- Miscellaneous Provisions

Sec. 17. Separability Clause – If any part or section of this Act is declared unconstitutional, such declaration shall not affect in any manner the other parts or sections hereof.

Sec. 18. Repealing Clause – All laws, proclamations, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 19. Effectivity Clause – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,