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HOUSE OF THE REPRESENTATIVES
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HOUSE BILL No. **133**

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Introduced by HON. RODEL M. BATOCABE, HON. ALFREDO A. GARBIN, Jr. and
HON. CHRISTOPHER S. CO

EXPLANATORY NOTE

According to the Philippine Statistics Authority, the Philippines' abundance of natural resources has been on the decline since 2006, while the population has meteorically risen to the number of 102 million, no doubt a number requiring the consumption of more of our natural resources, and sometimes, their depletion and destruction. In a rapidly modernizing and technologically-oriented society, it is easy to forget caring for the natural environment in the name of progress.

Section two of Article XII of the 1987 Philippine Constitution mandates that "The State shall protect the nation's marine wealth in its archipelagic waters, territorial waters, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens". Further, as the owner of all the natural resources of the Philippines, the State has the implicit responsibility to care for all forestry, waters, flora, fauna, and other natural resources for the benefit of the bureaucracy.

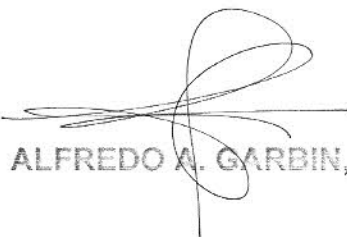
One of the harms we have to guard against is the loss of our biodiversity, whether natural, physical, or biological. Tens of species are in threat of being lost every year worldwide, and the effects are similar in the Philippines, where hundreds of species are vulnerable, endangered, or critically endangered, for both flora and fauna.

In line with the imminent loss, we propose a bill creating a National Integrated Protection System where areas cradling these endangered species are recognized as heritage sites, in order to provide the proper defenses and security to the Philippines' biodiversity.

Accordingly, the swift passage of this bill is earnestly sought.



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possible only through cooperation among national government, local governments and concerned private organizations; and that the use and enjoyment of these protected areas must be consistent with the principles of biological diversity and sustainable development.

To this end, there is hereby established a National Integrated Protected Areas System

(NIPAS), which shall encompass physically unique areas and biologically significant public lands that serve as habitats of rare and endangered species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as *protected areas*. The System shall recognize conservation areas and the management regimes of local governments units (LGUs), communities and indigenous peoples (IPs).

The State shall ensure the full implementation of this Act by establishing the institutional mechanism for the mobilization of resources and providing for adequate scientific and technical support for the conservation of biodiversity and the integrity of ecosystems and cultural practices.

SEC. 3. Definition of Terms.— As used in this Act:

(a) *Bioprospecting* refers to the research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;

(b) *Buffer Zones* refer to identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 6 hereof that need special development control in order to avoid or minimize harm to the protected area;

(c) *By-products or Derivatives* refer to parts taken or substances extracted from wildlife, in raw or in processed form. These include stuffed animals and herbarium specimens;

(d) *Collection or Collecting* refers to the act of gathering or harvesting wildlife and its by-products or derivatives;

(e) *Conveyance* refers to every kind of vessel, including motorized or non-motorized vehicles, non-displacement crafts and seaplanes that are used for or may be used as a means of transportation on land or water.

(f) *Delineation* refers to the actual ground survey of the boundaries of protected areas and their buffer zones including designated management zones using the Global Positioning System (GPS) or other applicable survey instruments and technologies conducted for the purpose of drawing up a map of the area;

(g) *Demarcation* refers to the establishment of the boundaries of protected areas and their buffer zones using visible markers, monuments, buoys in case of marine areas, and known natural features and landmarks, among others, as a result of the actual ground delineation;

(h) *Ecosystem Goods and Services* refer to the multitude of material and non-material provisions and benefits from healthy ecosystems necessary for human sustenance and survival including supporting processes, provisioning and regulating of the environment and preserving cultural resources;

(i) *Endemic Species* refer to the species or subspecies of flora and fauna which are naturally occurring and found only within specific areas in the country;

(j) *Exotic Species* refer to the species or subspecies of flora and fauna which, historically, have not been naturally occurring within the protected area;

(k) *Exploration* refers to the act of searching or prospecting for mineral and energy resources, by geological, geo-chemical or geophysical surveys, remote sensing, test pitting, trenching, drilling, shaft sinking, tunneling or any other means for the purpose of determining the existence, extent, quantity, and quality thereof, and the feasibility of utilizing these resources for profit;

(l) *Gear* refers to any instrument or device and its accessories utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing, or possessing resources within the protected area;

(m) *Genetically Modified Organism (GMO)* refers to any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology;

(n) *Hunting* refers to the killing or catching of wild fauna for food and recreational purposes, with the use of weapons such as guns, bow and arrow, spears, traps and snares;

(o) *Indigenous Cultural Community (ICC)/Indigenous People (IP)* refers to a group of people sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who have, since time immemorial occupied, possessed and utilized a territory;

(p) *Integrated Protected Area Fund (IPAF)* refers to the special account established for the purpose of financing the projects of the NIPAS and individual protected areas in accordance with Section 16 hereof;

(q) *Invasive Alien Species* refers to species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete native species and take over the new environment;

(r) *Kaingin* refers to the slash and burn cultivation of vegetated land in a protected area, whether occupied or not, shifting and permanent and having little or no provision to prevent soil erosion;

(s) *Multiple-Use Zone* refers to the portion of the protected area where settlement, traditional or special uses of the land including agriculture, agro-forestry, extraction activities and income generating or livelihood activities may be allowed to the extent prescribed in the management plan;

(t) *National Integrated Protected Areas System (NIPAS)* refers to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;

(u) *National Park* refers to the lands of the public domain classified as such in the 1987 Philippine Constitution which include all areas as

1 categorized under Sec. 4 of this Act, primarily designated for the conservation
2 of native plants and animals, their associated habitats and cultural diversity;

3 (v) *Natural Biotic Area* refers to an area set aside to allow the way of life
4 of societies living in harmony with the environment to adapt to modern
5 technology at their pace;

6 (w) *Natural Monument* refers to a relatively small area focused on the
7 protection of small features to protect or preserve nationally significant natural
8 features on account of their special interest or unique characteristics;

9 (x) *Natural Park* refers to a relatively large area not materially altered by
10 human activity, where extractive resource uses are not allowed and is
11 maintained to protect outstanding natural and scenic areas of national or
12 international significance for scientific, educational, and recreational use;

13 (y) *Occupying* refers to a continuous stay of individuals or groups within a
14 protected area, whether residing or engaging in the cultivation of land or
15 fishing for more than 24-hours;

16 (z) *Poaching* refers to gathering, collecting, or possessing products or
17 natural resources from the protected area by any individual person,
18 corporation or entity whether local or foreign; in the case of marine protected
19 areas, this shall refer to operating any foreign fishing vessels by any person,
20 corporation, or entity without a permit;

21 (aa) *Protected Area* refers to identified portions of land and water set aside
22 by reason of their unique physical and biological significance, managed to
23 enhance biological diversity and protected against destructive human
24 exploitation;

25 (bb) *Protected Area Occupants* refer to persons who are residing, utilizing,
26 and cultivating areas within the protected area. These include private owners,
27 indigenous people, tenured migrants and informal settlers;

28 (cc) *Protected Area Retained Income Account* refers to the trust fund
29 maintained by any protected area and administered by the respective
30 Protected Area Management Board (PAMB) representing the seventy-five

(75%) of revenues generated from the protected area to support its management;

(dd) *Protected Area Superintendent (PASu)* refers to the chief operating officer of the protected area with a permanent plantilla position in the Department of Environment and Natural Resources (DENR);

(ee) *Protected Landscapes and/or Seascapes* refer to areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation, tourism and other economic activities;

(ff) *Protected Species* refer to any plant or animal declared protected under Philippine laws, rules and regulations. These shall include all species listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and all its Annexes, the Convention on the Conservation of Migratory Species (CMS), those specified under the Red-List categories of the International Union for the Conservation of Nature and Natural Resources (IUCN), or any plant or animal which the DENR, PAMB or any government agency may deem necessary for conservation and preservation in the protected area;

(gg) *Quarrying* refers to the process of extracting from, transporting, removing and disposing out of the protected area sand, gravel, guano, limestone or any material resources found within the protected area. This shall also include any common rock or other mineral substances as the Director of the Mines and Geosciences Bureau may declare as quarry resources such as andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, shale, tuff, volcanic cinders, and volcanic glass from the protected area;

(hh) *Resource Reserve* refers to an extensive and relatively isolated and uninhabited area, difficult to access and designated to protect the natural resources therein for future utilization and to prevent or contain development

activities that could affect the resource pending the establishment of objectives which are based upon appropriate knowledge and planning;

(ii) *Special Account in the General Fund (SAGF)* refers to the trust fund deposited to the National Treasury representing the twenty-five (25%) of the revenues generated from the operation of individual protected area and earmarked to support the National Integrated Protected Areas System;

(jj) *Special Use* refers to the development of land or water to support ecotourism activities and similar establishments including facilities or structures of national interest such as communication facilities, transmission lines, rights of way, early warning and monitoring stations, among others, as provided in Section 24 hereof;

(kk) *Strict Nature Reserve* refers to an area possessing some outstanding ecosystem, features, and species of flora and fauna of national scientific importance maintained to protect nature and maintain processes in an undisturbed state in order to preserve ecologically representative examples of the natural environment available for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state;

(ll) *Tenured Migrants* refer to members of tenured migrant communities as defined in this Act;

(mm) *Tenured Migrant Communities* refer to communities within protected areas which have been existing or established five (5) years before the designation of the same as protected areas in accordance with this Act and which are solely dependent therein for subsistence;

(nn) *Threatened Species* refer to a general term to denote species or subspecies considered as critically endangered, vulnerable, or other accepted categories of wildlife whose population is at risk of extinction;

(oo) *Wildlife* refers to the wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred, fed, or propagated, and

(pp) *Wildlife Sanctuary* refers to an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulations for their perpetuation.

SEC. 4. Categories.- The following categories of protected areas are hereby established:

- a. Strict Nature Reserve
- b. Natural Park
- c. Natural Monument
- d. Wildlife Sanctuary
- e. Protected Landscapes and Seascapes
- f. Resource Reserve
- g. Natural Biotic Areas and
- h. Other categories as maybe established by law or international conventions and agreements of which the Philippine Government is a signatory.

SEC. 5. Establishment and Extent of the System.- The establishment and operationalization of the System shall involve the following:

(a) All areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascape as well as identified and still to be identified old-growth forests before the effectivity of this Act, are hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations not inconsistent with this Act until delisted;

1.Establishment as Protected Areas.- Aside from the areas already established as protected areas through Acts of Congress, the following parcels of land are hereby established as protected areas with the land or water classification of national park:

Name of Protected Area		Proclamation Number	Proclamation Date
1.	Abasig MatogdonMananap Natural Biotic Area	318	May 31, 2000
2.	Agoo-Damortis Protected Landscape and Seascape	277	April 23, 2000
3.	Agusan Marsh Wildlife Sanctuary	913	October 31, 1996
4.	Albuquerque-Loay-Loboc Protected Landscape/Seascape	293	April 23, 2000
5.	Aliguay Island Protected Landscape	106	May 6, 1999
6.	Aliwagwag Protected Landscape	139	April 5, 2011
7.	Amro River Protected Landscape	274	April 23, 2000
8.	Apo Island Protected Landscape/Seascape	438	August 9, 1994
9.	Apo Reef Natural Park	868	September 6, 1996
10.	Baliangao Protected Landscape and Seascape	418	November 22, 2000
11.	Balinsasayao Twin Lakes Natural Park	414	November 21, 2000
12.	Basilan Natural Biotic Area	321	May 31, 2000
13.	Bataan Natural Park	192	November 27, 1987
14.	Bessang Pass Natural Monument/Landmark	284	April 23, 2000
15.	Bicol Natural Park	431	December 29, 2000
16.	Bigbiga Protected Landscape	290	April 23, 2000
17.	BiriLarosa Protected Landscape/Seascape	291	April 23, 2000
18.	Bongsalay Natural Park	319	May 31, 2000
19.	Buenavista Protected Landscape	294	April 23, 2000
20.	Bulusan Volcano Natural Park	421	November 27, 2000
21.	Buug Natural Biotic AREA	63	December 22, 1998

22. Calbayog-Pan-As Hayiban Protected Landscape 3, 1998	1158	February
23. Camotes Island Protected	333	February 26, 2003
24. Casechan Protected Landscape	289	April 23, 2000
25. Catanduanes Watershed Forest Reserve June 23, 1987	123	
26. Chico Island Wildlife Sanctuary	272	April 23, 2000
27. Chocolate Hills Natural Monument 1997	1037	July 1,
28. Cuatro Islas Protected Landscape/Seascape 2000	270	April 23,
29. Dinadiawan River Protected Landscape	278	April 23, 2000
30. Dumanquilas Bay Protected Landscape and Seascape	158	August 10, 1999
31. Great and Little Sta. Cruz Islands Protected Landscape and Seascape	271	April 23, 2000
32. Guluan Protected Landscape and Seascape September 26, 1994	469	
33. HinuluganTaktak Protected Landscape	412	November 17, 2000
34. Initao-Libertad Protected Landscape and Seascape	260	September 16, 2002
35. Jose Rizal Memorial Protected Landscape	279	April 23, 2000
36. Kalbario-Patapet Natural Park	1275	April 20, 2007
37. Lagonoy Natural Biotic Area	297	April 24, 2000
38. Lake Danao Natural Park	1155	February 3, 1998
39. Las Piñas-Parañaque Critical Habitat and Ecotourism Area	1412 and 1412-A	April 22, 2007 January 31, 2008
40. Libunao Protected Landscape	280	April 23, 2000
41. Lidlidda Protected Landscape	266	April 23, 2000
42. Mabini Protected Landscape and Seascape	316	May 31, 2000

43.	Mahagnao Volcano Natural Park	1157	February 3, 1998
44.	Mainit Hotspring Protected Landscape	320	December 31, 2000
45.	Malabungot Protected Landscape and Seascape	288	April 23, 2000
46.	Manleluag Spring Protected Landscape	576	March 10, 1994
47.	Marinduque Wildlife Sanctuary	696	August 17, 2004
48.	Masinloc and Oyon Bays Protected Landscape and Seascape	231	August 18, 1993
49.	Mati Protected Landscape	912	September 6, 2005
50.	Maulawin Spring Protected Landscape	295	April 23, 2000
51.	Mayon Volcano Natural Park	413	November 21, 2000
52.	Mt. Balatukan Range Natural Park	1249	May 6, 2007
53.	Mt. Calavite Wildlife Sanctuary	292	April 23, 2000
54.	Mt. Guiting-Guiting Natural Park	746	February 20, 1996
55.	Mts. Iglit-Baco Natural Park	557	May 8, 1969
56.	Mt. Inayawan Range Natural Park	1344	July 30, 2007
57.	Mt. Isarog Natural Park	214	June 20, 2002
58.	Mt. Kalatungan Range Natural Park	305	May 5, 2000
59.	Mt. Matutum Protected Landscape	552	March 20, 1995
60.	Mts. PalayPalay and Mataas-na Gulod Protected Landscape	1315	June 27, 2007
61.	Mt. Timpoong and Hibok-Hibok Natural Monument	570	March 9, 2004
62.	Mount Timolan Protected Landscape	354	August 14, 2000
63.	Murcielagos Island Protected Landscape and Seascape	281	April 23, 2000
64.	Naro Island Wildlife Sanctuary	317	May 31, 2000
65.	Ninoy Aquino Parks and Wildlife Center	723	October 25, 2004
66.	Northern Negros Natural Park	895	August 15, 2005
67.	Northwest Panay Peninsula Natural Park	186	April 18, 2002
68.	Olango Island Wildlife Sanctuary	903	May 14, 1992

69. Palau Island Protected Landscape and Seascape 28, 1994	447	August
70. Pamitinan Protected Landscape	901	October 10, 1996
71. Panglao Island Protected Seascape	426	July 22, 2003
72. Pasonanca Natural Park	132	July 5, 1999
73. Peñablanca Protected Landscape and Seascape 6, 2003	484	October
74. Pujada Bay Protected Landscape/Seascape 1994	431	July 31,
75. Quezon Protected Landscape	394	June 2, 2007
76. Quirino Protected Landscape	779	February 9, 2005
77. Rajah Sikatuna Protected Landscape	287	April 23, 2000
78. Roosevelt Protected Landscape	273	April 23, 2000
79. Salinas Natural Monument	275	April 23, 2000
80. Samar Island Natural Park	442	August 13, 2003
81. Santa Lucia Protected Landscape	296	April 23, 2000
82. Sarangani Bay Protected Seascape	756	March 5, 1996
83. Selinog Island Protected Landscape and Seascape 2000	276	April 23,
84. Siargao Islands Protected Landscape and Seascape 10, 1996	902	October
85. Sibalom Natural Park	282	April 23, 2000
86. Simbahan-Talagas Protected Landscape	267	April 23, 2000
87. Sinarapan Sanctuary		
88. Siocon Resource Reserve	84	February 24, 1999
89. Taal Volcano Protected Landscape	923	November 19, 1996
90. Talibon Group of Islands	131	July 5, 1999
Protected Landscape and Seascape		
91. Talaytay Protected Landscape	283	April 23, 2000
92. Tañon Strait Protected Seascape	1234	May 27, 1998
93. Tinuy-An Falls Protected Landscape		

94. Tumauni Watershed Natural Park	355	April 4, 1994
95. Turtle Islands Wildlife Sanctuary	171	August 26, 1999
96. Upper Marikina River Basin Protected Landscape	296	
November 24, 2011		

1 The boundaries and technical descriptions of each protected area as
2 described in the attached Annex are hereby adopted.

3 The DENR, with the assistance of other government agencies, if necessary,
4 shall delineate and demarcate on the ground the boundaries of each protected area
5 which shall not be modified except by an Act of Congress.

6 2. *The Remaining Initial Components.* Within three (3) years from the
7 effectivity of this Act, the DENR shall undertake the following activities in
8 preparation for the establishment of the remaining initial components as
9 protected areas through an Act of Congress: i) provide maps and technical
10 descriptions of the areas; ii) conduct suitability assessment of the areas; and
11 iii) conduct public hearings.

12 Any initial component that does not satisfy the abovementioned
13 requirements shall be considered delisted without prejudice to relisting based
14 on the emergence of new scientific information.

15 3. *Additional Areas to be Included Into the System.* Upon the
16 recommendation of the DENR, additional areas with unique physical features,
17 anthropological significance and high biological diversity may be proposed for
18 inclusion as part of the System. Such areas shall undergo the same
19 procedure as the remaining initial components for legislative enactment.

20 (b) All DENR records pertaining to the protected areas, including maps and
21 technical description or natural boundaries, copies of rules and regulations
22 governing them, copies of notices, and reports submitted to Congress on pending
23 addition, elimination, or modification shall be made available to the public. These
24 documents shall also be made available to the public in the respective DENR
25 Regional Offices, Provincial Environment and Natural Resources Offices (PENROs)

and Community Environment and Natural Resources Offices (CENROs) and Protected Area Management Offices (PAMOs) where protected areas are located;

(c) The DENR shall conduct suitability assessment for each of the proposed protected area. If found suitable for inclusion in the System according to the categories established in Section 4 hereof. A report shall be submitted to the President as soon as the study is completed, to wit:

- (i) Protected area occupants survey;
- (ii) Ethnographic study;
- (iii) Protected area resource profile;
- (iv) Land and water use plans; and
- (v) Other background studies.

(d) In the conduct of public consultation, the DENR shall:

- (i) Notify the public of proposed action through publication in a newspaper of general circulation, and such other means thirty (30) days prior to the consultation;
- (ii) Conduct consultation at locations nearest to the affected areas;
- (iii) Advise all LGUs in the affected areas, national agencies concerned, people's organizations and non government organizations (NGOs) and invite the respective officials to the hearing and provide position papers at least thirty (30) days prior to the date of hearing; and
- (iv) Come up with recommendation based on the views and comments gathered from the public consultation;

(e) Upon receipt of the recommendations of the DENR, the President shall issue a proclamation establishing the proposed areas and providing for measures for their protection until the time when Congress shall have enacted a law finally declaring the recommended areas as part of the System; and

1 (f) Thereafter, the President shall recommend the Senate and the House of
2 Representatives the designation of protected areas or reclassification of each area
3 the review which has been completed, together with maps and legal descriptions of
4 boundaries.

5 **SEC. 6. Buffer Zones.**—Buffer zones surrounding the protected areas shall be
6 designated by the PAMB, for the purpose of providing an extra layer of protection
7 where restrictions can apply and communities can assist in repelling threats to the
8 protected area without need for congressional action. The buffer zones may include
9 public or private lands.

10 **SEC. 7. Management Plan.** – Within one year from the establishment of the
11 protected area, a management plan shall be formulated for each protected area and
12 its buffer zone which shall serve as the basic long-term framework plan of its
13 management and shall serve as guide in the preparation of the annual operations
14 plan and budget.

15 The management plan shall, at the minimum, promote the adoption and
16 implementation of innovative management techniques, including when necessary,
17 zoning, buffer zone management protection, habitat conservation and rehabilitation,
18 bio-diversity management, community organizing and development, socioeconomic
19 and scientific researches, site-specific policy development, climate change
20 adaptation and mitigation, and disaster risk reduction and management, and waste
21 sewerage and septage management, among others. The plan shall also provide
22 guidelines for IPs/ICCs, and tenured migrant communities in close coordination with
23 local agencies of the government as well as the private sector.

24 A management manual shall be prepared containing, at least the following:
25 basic background information, field inventory of bio-physical and socio-economic
26 resources, including threats, potential and existing assets and limitations, regional
27 interrelationships, thematic maps, and investment and financial sustainability plan.

28 The Protected Area Superintendent (PASu) shall take the lead in the
29 preparation of the management plan with the participation of and in consultation with
30 the appropriate offices of the national government such as the Department of
31 Tourism (DOT), the National Commission on Indigenous Peoples (NCIP), if called

1 for, the Department of Agriculture (DA), the Local Government Units, as well as the
2 private sector, civil society organizations, IPs/ICCs, academic and research
3 institutions, and the public in general. The proposed plan shall be made available to
4 the public through posting in the provincial, city and/or municipal halls covering the
5 protected area as well as in the barangay halls within or immediately adjacent to the
6 protected area for comments and recommendations: *Provided*, That the plan shall
7 be plainly written in a language understandable in the area: *Provided, further*, That
8 this plan shall be posted and uploaded onto the websites of the DENR Regional and
9 field offices. The plan shall be reviewed and approved by the PAMB and endorsed to
10 the Secretary of the DENR, through the Biodiversity Management Bureau (BMB).
11 The management plan shall take effect after thirty (30) days from the date of receipt
12 thereof by the Secretary: *Provided, however*, That the DENR Secretary may revise
13 and modify the management plan before the expiration of the 30-day period to
14 ensure conformity with applicable laws, rules and regulations.

15 Once approved, the management plan shall be made available to the public
16 from the PAMO and DENR Regional and field offices. It shall likewise be distributed
17 to other government agencies, local government units, civil society organizations,
18 private sector, and indigenous and local communities. All concerned local
19 government units shall integrate and mainstream the management plan into their
20 policies, programs and local development planning process.

21 The management plan shall be modified and updated regularly and in
22 accordance with studies, similar resource assessments and surveys as well as
23 relevant developments in biodiversity conservation. The DENR through BMB shall
24 monitor the implementation of the management plans to ensure compliance and
25 consistency with biodiversity conservation objectives.

26 **SEC. 8. Administration and Management of the System.-** To carry out the
27 mandate of this Act, the Secretary of the DENR is empowered to perform the
28 following acts:

- 29 a) Issue a system-wide set of rules and regulations to implement the
30 provisions of this Act;

- b) Set standard procedures and protocols for the establishment and management of protected areas of the System;
- c) Determine a system-wide set of fees and charges to ensure sustainable financing and protection of the System;
- d) Impose administrative fines and penalties;
- e) Report on the status of the Integrated Protected Area Fund (IPAF), its collection and disbursements;
- f) Deputize field officers and other technical support personnel; and
- Designate the appropriate Chair each Protected Area Management Board.

SEC. 9. Protected Area Management Board.— A Protected Area Management Board for each of the designated, established, and declared protected areas shall be created and shall be composed of the following:

- a) DENR Regional Director under whose jurisdiction the protected area is located, as Chairperson;
- b) One (1) representative from the autonomous regional government, if applicable;
- c) Governors of the provinces covering the protected area;
- d) Provincial Planning and Development Coordinators (PPDC) or the Provincial Government Environment and Natural Resources as may be appropriate;
- e) Mayors of the cities or municipalities covering the protected area or their duly designated representative/s;
- f) Chairpersons of the barangays covering the protected area or their duly designated representatives;
- g) One (1) representative from the IPs/ICCs, if applicable;
- h) At least three (3), but not more than five (5) representatives from NGOs duly accredited by the DENR or the local government unit operating in the protected area which have been existing for five (5) years with track records related to the protection and management of the protected area;
- i) At least one (1), but not more than three (3) representatives from accredited People's Organizations (POs) operating in the protected area,

1 which have been existing for five (5) years with proven track record on a
2 field related to the protection and management of the protected area;

3 j) One (1) representative from an academic institution with proven track
4 record related to the protection and management of the protected area;
5 and

6 k) One (1) representative each from other departments or national
7 government agencies involved in the protection and management of the
8 protected area or have long-term projects or permanent facilities located
9 therein.

10 The members of the PAMB shall serve for a term of five (5) years without
11 compensation, except for the actual and necessary traveling and subsistence
12 expenses incurred in the performance of their duties, either in their attendance in
13 meetings of the PAMB or in connection with other official business authorized
14 through a resolution of the PAMB, subject to existing rules and regulations. Each
15 member shall have the full capacity and accountability for decisions binding to the
16 member's sector. In the case of members who are government officials, their
17 appointment shall be co-terminus with their term of office.

18 The members of the PAMB duly appointed prior to the effectivity of this Act
19 shall continue their term until the expiration of their appointment. Thereafter,
20 members of the Management Board shall be appointed in accordance with the
21 provisions of this Act: *Provided*, That the Regional Director of DENR shall ensure
22 that the members of the Management Board are duly appointed by the DENR
23 Secretary: *Provided, further*, That if feasible, at least twenty (20%) of the PAMB
24 members shall be women, pursuant to Republic Act No. 9710 or the Magna Carta of
25 Women.

26 A member may be removed for any of the following grounds:

27 a) More than three (3) consecutive unexcused absences from regular
28 meetings of the Management Board;

29 b) Commission of acts prejudicial to the management of protected areas as
30 embodied in Section 19 hereof and/or other existing rules and regulations
31 governing protected areas;

- c) Disassociation from the office or organization being represented;
- d) Termination of relationship with the office or organization being represented; or
- e) Conviction by final judgment of any criminal act.

SEC. 10. Powers and Functions of the PAMB.—The PAMB shall, by a majority vote, decide on the allocations of budget, approve proposals for funding, decide on matters relating to planning, peripheral protection and general administration of the protected area in accordance with the management plan. Specifically, the PAMB shall have the following powers and functions:

- a) Oversee the Protected Area Management Office;
- b) Approve the management plan of the protected area and ensure its harmonization and integration with the Ancestral Domain Sustainable Development Plan, land use plan and other development plan;
- c) Adopt manual of operations to include rules of procedures in the conduct of business, and creation of committees and their respective terms of reference;
- d) Recommend the deputation of appropriate agencies and individuals for the enforcement of the laws, rules and regulations governing the conduct or management of the protected area;
- e) Allocate financial resources for the implementation of the management plan and manage the protected area retention income account, and other funds in accordance with the accounting and budgeting rules and regulations;
- f) Establish criteria and set fees and charges in accordance with existing guidelines and raise funds for the protected area;
- g) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;
- h) Recommend appropriate policy changes to the DENR and other government authorities;

- i) Monitor and assess the performance of the PASu and other protected area personnel and compliance of partners to the terms and conditions of any undertaking, contract or agreement;
- j) Recommend from among a short list of qualified candidates, the designation or appointment of the PASu; and
- k) Assess the effectiveness of the management of the protected area:

Provided, THAT the members of the Management Board from the Local Government Units (LGUs) and national agencies in the PAMB shall inform their respective constituents, offices or sectors, of PAMB-approved or other relevant policies, rules, regulations, programs and projects and shall ensure that the provisions of this Act, and its Implementing Rules and Regulations, are complied with, and used as reference and framework in their respective plans, policies, programs and projects. Failure to comply with the foregoing shall subject such representative to disciplinary action as the PAMB may provide: *Provided, further, That* the DENR, through the Regional Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail.

SEC. 11. *The Protected Area Management Office (PAMO).*— There is hereby CREATED a Protected Area Management Office (PAMO) to be headed by a PASu who shall perform the day to day management, protection, and administration of the protected area. The PASu shall be supported by the DENR personnel designated therein.

The DENR shall appoint a PASu who shall be primarily accountable to the PAMB and the DENR for the management and operations of the protected area. As such, the PASu shall have the following duties and responsibilities:

- a) Coordinate the preparation and implementation of the management plans including the annual work and financial plans;
- b) Ensure the integration of the protected area management plans, programs, projects and policies with relevant national and local government units' plans and programs;

- c) Provide secretariat services to the PAMB and its committees and ensure availability of relevant and timely for decision making;
- d) Formulate and recommend to the PAMB the proposed policies rules and regulations and programs ;
- e) Establish, operate and maintain a database management system as decision support tool;Enforce the laws, rules and regulations relevant to the protected area, commence and institute administrative and legal actions in collaboration with other government agencies or organizations and assist in the prosecution of offenses committed in violation of this Act;
- f) Monitor, evaluate, and report the implementation of management activities of the protected area;
- g) Request for and receive any technical assistance, support or advice from any agency or instrumentality of the government as well as academic institutions, non-government organizations and the private sector as may be necessary for the effective management, protection and administration of the protected area;
- h) Issue permits and clearances for activities that implement the management plan and other permitted activities in accordance with terms, conditions and criteria established by PAMB: *Provided*, That all permits for extraction activities, including collection for research purposes shall also continue to be issued by relevant authorities, subject to prior clearance from the PAMB through the PASu, in accordance with the specific acts to be covered;
- i) Perform such other functions as the PAMB and the DENR may delegate.

The PAMO may be augmented by the deputized Environment and Natural Resources Officers upon the recommendation of the PAMB and approval by the DENR.

SEC. 12. *Environmental Impact Assessment (EIA).*— Considering that protected areas are environmentally critical areas, the proponent of development projects and activities with potentially significant adverse impacts as determined by the Environmental Management Bureau (EMB), whether or not these projects or

activities are included in the management plan, shall secure an Environmental Compliance Certificate (ECC) in accordance with the Philippine Environment Impact Statement (EIS) System: *Provided*, That for development projects and activities in the management plan, an Initial Environmental Examination (IEE) can be undertaken instead of a full-blown EIA. The proponent of any development project and activity shall secure prior clearance from the PAMB before undertaking or implementing the activity and before the issuance of an ECC. Violations of environmental laws, rules and regulations, including those under the EIA System, shall be penalized accordingly.

SEC. 13. Ancestral Lands and Rights.— Ancestral lands and customary rights and interests shall be accorded due recognition. The DENR shall prescribe rules and regulations to govern the activities to be conducted within ancestral lands within the protected areas: *Provided*, That the DENR shall not, at any time, evict indigenous communities from their present occupancy, or resettle them to another area without their consent: *Provided, however*, That all rules and regulations, whether adversely affecting said communities or not, shall be subjected to notice and hearing to be participated in by members of concerned indigenous community.

Indigenous communities conserved areas (ICCAs) within the protected area shall be recognized and respected. The PAMB and PASu shall assist the IPs/ICCAs concerned in the identification, mapping, documentation, and registration of ICCAs, and the preparation of community conservation plans. The identified ICCAs and the community conservation plans shall be harmonized and integrated with the protected area management plan and zoning. The PAMB shall likewise take into account ICCA issues and concerns in all management planning and decision-making processes.

SEC. 14. Energy Resources. – Protected areas, except strict nature reserves and natural parks, may be subjected to exploration only for the purpose of gathering information on energy resources and only if such activity is carried out with the least damage to surrounding areas. Surveys shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made

1 available to the public and submitted to the President who shall make the
2 appropriate for recommendations to Congress.

3 Energy projects within a protected area shall only be allowed through an Act
4 of Congress except for renewable energy projects which the PAMB may allow and
5 with the concurrence of the DENR Secretary: *Provided*, That these renewable
6 energy projects located outside the strict protection zones, shall adopt reduced
7 impact technologies, undergo EIA as provided by law, and shall not be detrimental to
8 ecosystem functions and biodiversity: *Provided, further*, That a sufficient bond shall
9 be remitted by the proponent to the IPAF to be released to the depositor upon the
10 decommissioning of all equipment, structures and improvements and the
11 rehabilitation of the site according to the zones and objectives under the
12 management plans as attested to by the PAMB.

13 **SEC. 15. Areas Under the Management of Other Departments and**
14 ***Government Instrumentalities.***- The DENR shall retain jurisdiction over all protected
15 areas in accordance with Executive Order Nos. 192 and 292. The DENR has
16 management and administrative powers over NIPAS except those under the
17 management and administration of other agencies pursuant to specific laws or
18 presidential issuances: *Provided*, That the department or government instrumentality
19 exercising management and administration over said protected area or a portion
20 thereof shall coordinate with the DENR in the preparation of its management plan.

21 The DENR may enter into an agreement with the concerned government
22 agency for the management of the protected area specifically for activities such as
23 the creation of a management body, preparation of the management plan, and other
24 related activities.

25 **SEC. 16. Integrated Protected Area Fund (IPAF).**- There is hereby
26 established a trust fund to be known as the Integrated Protected Area Fund for
27 purposes of financing the projects and sustaining the operation of the protected
28 areas and the System. Income generated from the operation and management of the
29 protected areas shall accrue to the IPAF. These income shall be derived from fees
30 from permitted sale and export of flora and fauna and other resources from the
31 protected area; proceeds from lease of multiple-use areas; contributions from

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

3 The PAMB of the PA shall retain seventy-five percent (75%) of all revenues
4 raised through the above means, to be deposited in the Protected Area Retained
5 Income Account (PA-RIA) in any authorized government depository bank within the
6 locality: *Provided*, That disbursements out of such deposits shall be used solely for
7 the protection, maintenance, administration, and management of the protected area
8 and implementation of duly approved projects of the PAMB. Grants, donations,
9 endowment from various sources, domestic or foreign or local government units, and
10 voluntary or legislated payments for ecosystem goods and services including fines,
11 penalties and compensation for damages and bonds from protected area offenses
12 shall accrue to the PA-RIA. The remaining twenty-five percent (25%) of the revenues
13 shall be deposited as a Special Account in the General Fund (SAGF) in the National
14 Treasury for purposes of financing the projects of the entire System.

15 The use of the IPAF shall be in accordance with existing accounting, budgeting
16 and auditing rules and regulations: *Provided, further*, That the IPAF shall not be used
17 to cover personnel services expenditures.

18 The concerned LGUs may continue to impose and collect all other fees not
19 enumerated herein but which they have traditionally collected, such as business
20 permits, property tax within titled properties, and rental of LGU facilities: *Provided*,
21 That LGUs may charge additional fees to those imposed by the PAMB subject to the
22 approval of the PAMB based on the contribution of the LGUs in the maintenance and
23 protection of the protected area.

24 The DENR shall submit to the Department of Budget and Management (DBM),
25 Department of Finance (DOF) and other oversight government agencies, copy
26 furnished the House Committee on Appropriations and the Senate Committee on
27 Finance, reports on the financial and physical accomplishments on the utilization of
28 the IPAF including the list of projects and activities and their corresponding amounts
29 and, other reporting documents as may be required by the DBM.

30 **SEC. 17. Tax Exemption.**- All grants, bequests, endowments, donations, and
31 contributions made to the Protected Area Fund to be used actually, directly, and

1 exclusively by the protected area shall be exempt from donor's tax and shall be
2 considered as allowable deduction from the gross income of the donor for purposes
3 of computing the taxable income of the donor in accordance with the provisions of
4 the National Internal Revenue Code of 1997, as amended.

5 **SEC. 18. *Special Prosecutor and Retained Counsel.*** –Within thirty (30) days
6 from the effectivity of this Act. The Department of Justice (DOJ) shall appoint a
7 special prosecutor to prosecute violations of laws, rules and regulations in the
8 protected area. The special prosecutor shall coordinate with the PAMB and the
9 PASu in the performance of duties and assist in the training of wardens and rangers
10 in arrest and criminal procedures. The PAMB may retain the services of counsel to
11 prosecute and assist in the prosecution of cases under the direct control and
12 supervision of the regular or special prosecutor and to defend the members of the
13 PAMB, the PASu and the staff, or any person assisting in the protection,
14 conservation, and sustainable development of the protected area, against any legal
15 action related to their powers, functions and responsibilities as provided in this Act or
16 as delegated or tasked by the PAMB to be performed in accordance with their
17 mandate.

18 **SEC. 19. *Prohibited Acts.*** –Except as may be allowed by the nature of their
19 categories and pursuant to rules and regulations governing the same, the following
20 acts are prohibited within protected areas:

- 21 (a) Poaching, hunting, taking, killing, collecting, destroying, disturbing, or
22 possessing of any wild terrestrial or aquatic plants or animals, flora or
23 fauna, or by-products derived therefrom, including in private lands within
24 the protected area without the necessary permit, authorization or
25 exemption: *Provided*, That the PASu as authorized by the PAMB shall
26 issue a permit, authorization or exemption only for culling, scientific
27 research, the exceptions provided under Section 27(A) of Republic Act No.
28 9147, or harvests of non-protected species in multiple use zones by
29 tenured migrants and IPs: *Provided, further*, That the act of collecting shall
30 be presumed to cover species endemic to the protected area and in the
31 possession of the perpetrator;

- 1 (b) Cutting, gathering, removing or collecting timber within the protected area
2 including private lands without the necessary permit, authorization,
3 certification of planted trees or exemption such as for culling exotic
4 species. Except, however, when such acts are done in accordance with
5 the duly recognized practices of the IPs/ ICCs for subsistence purposes;
- 6 (c) Possessing or transporting outside the protected area any timber, forest
7 products, wild terrestrial or aquatic plants, animals, or by-products derived
8 therefrom which are ascertained to have been taken from the protected
9 area, other than exotic species the culling of which are authorized under
10 an appropriate permit;
- 11 (d) Using any fishing or harvesting gear and practices such as muro-ami, pa-
12 aling, all kinds of trawls (galadgad, Norway), purse seine (pangulong),
13 Danish seine (hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba, palisot,
14 patangko, bira-bira, buli-buli, hulahoop, zipper, lampornas, etc.), ring net
15 (kubkob, pangulong, kalansisi), drive-in net (kayakas), round haul seine
16 (sapyaw, lawag), motorized push net (sudsod), bagnet (basnig, saklit), or
17 any of their variations that destroys coral reefs, seagrass beds or other
18 marine life or terrestrial habitats as may be determined by the DA, or the
19 DENR: *Provided*, That mere possession of such gears within protected
20 areas shall be prima facie evidence of their use;
- 21 (e) Dumping, throwing, using, or causing to be dumped into or placed in the
22 protected area any toxic chemical, noxious or poisonous substance or
23 non-biodegradable material, untreated sewage or animal waste, or
24 products whether in liquid, solid or gas state, including pesticides and
25 other hazardous substances as defined under Republic Act No. 6969,
26 otherwise known as the *Toxic Substances and Hazardous and Nuclear*
27 *Wastes Control Act of 1990*, detrimental to the protected area, or to the
28 plants and animals or inhabitants therein;
- 29 (f) Operating any motorized conveyance within the protected area without
30 permit from the PAMB, except when the use of such motorized

- 1 conveyance is the only practical means of transportation of IPs/ICCs in
2 accessing their ancestral domain/land;
- 3 (g) Altering, removing, destroying or defacing boundary marks or signs;
- 4 (h) Engaging in *kaingin* or, in any manner, causing forest fires inside the
5 protected area;
- 6 (i) Mutilating, defacing, destroying, excavating, vandalizing or, in any
7 manner, damaging any natural formation, religious, spiritual, historical
8 sites, artifacts and other objects of natural beauty, scenic value or objects
9 of interest to IPs/ICCs;
- 10 (j) Damaging and leaving roads and trails in a damaged condition;
- 11 (k) Littering or depositing refuse or debris on the ground or in bodies of water;
- 12 (l) Possessing or using blasting caps or explosives anywhere within the
13 protected area;
- 14 (m) Occupying or dwelling in any public lands within the protected area
15 without permit from the PAMB;
- 16 (n) Constructing, erecting, or maintaining any kind of structure, fence or
17 enclosures, conducting any business enterprise without a permit on land
18 or on water for any purposes inconsistent with the management plan duly
19 approved by the PAMB: *Provided*, That large-scale infrastructure and
20 other projects such as medium to high density residential subdivisions,
21 medium to large-scale commercial and industrial establishments,
22 township expansions, golf courses, heavily mechanized commercial
23 monoculture farming system, and other activities that cause increased
24 migration and resource degradation are absolutely prohibited: *Provided*,
25 That anyone who issues or causes to be issued a permit for these
26 activities enumerated shall also be liable;
- 27 (o) Undertaking mineral exploration or extraction within the protected area;
- 28 (p) Engaging in commercial or large-scale quarrying within the protected
29 area: *Provided*, That only quarrying for the use of a tenured migrants and
30 IPs inside the protected area, in a quantity lower than one (1) cubic meter

- 1 per week shall be allowed and a presumption of commercial or large scale
2 arises in any other instance;
- 3 (q) Establishing or introducing exotic species, including genetically modified
4 organisms (GMOs), or invasive alien species within the protected area;
- 5 (r) Conducting bioprospecting within the protected area without prior PAMB
6 approval in accordance with existing guidelines: *Provided*, That in addition
7 to the penalty herein, any commercial use of any substance derived from
8 non-permitted bioprospecting within a protected area will not be allowed
9 and all revenue earned from illegal commercialization thereof will be
10 forfeited and deposited in the IPAF;
- 11 (s) Prospecting, hunting or otherwise locating hidden treasures within the
12 protected area;
- 13 (t) Purchasing or selling, mortgaging or leasing lands or other portions of the
14 protected area which are covered by any tenurial instrument; and
- 15 (u) Constructing any permanent structures within the forty (40) meter
16 easement from the high water mark of any natural body of water or
17 issuing a permit for such construction pursuant to Article 51 of PD 1067;
18 *Provided*, That construction for common usage wharves and shoreline
19 protection shall be permitted by the PAMB only after thorough ecological
20 review.

21 **SEC. 20. Penalties.** - The following penalties shall be imposed accordingly:

- 22 (a) The penalties and qualifications prescribed in Articles 309 and 310 of the
23 Revised Penal Code, depending on the value of the resources involved in
24 connection with the prohibited act or a fine of at least triple the value of
25 the resources, or both, shall be imposed upon any person who violates
26 paragraphs (a) to (d) of Section 19 hereof;
- 27 (b) A fine of not less than Two hundred thousand pesos (PhP200,000.00) but
28 not more than One million pesos (PhP1,000,000.00) or imprisonment from
29 one (1) year but not more than six (6) years, or both, shall be imposed
30 upon any person who violates paragraph (e) to (m) of Section 19 hereof;

- 1 (c) A fine of not less than One million pesos (PhP1,000,000.00) but not more
2 than Five Million pesos (PhP5,000,000.00) or imprisonment from six (6)
3 years but not more than twelve (12) years or both shall be imposed upon
4 any person who violates paragraph (n) to (u) of Section 19 hereof;
- 5 (d) A fine of Fifty thousand pesos (PhP50,000.00) daily shall be imposed on
6 the owner of existing facilities within a protected area under Section 23 of
7 this Act, if the existence of the same and its future plans and operations
8 will be detrimental to the protected area. For every continuing violation,
9 upon reaching a total fine of Five hundred thousand pesos
10 (PhP500,000.00), or if the violation continues to be committed for thirty
11 (30) days, the PAMB through the PASu and deputizing other government
12 entities, shall cause the cessation of operation and either forfeit in favor of
13 the PAMO or demolish the facility at the cost of its owner. If the facility is
14 government-owned, the agency in charge shall submit a plan for a
15 substitute facility that complies with the protected area standards and,
16 within one year, execute the approved plan; and
- 17 (e) Administrative fines of not less than Fifty thousand pesos (PhP50,000.00)
18 but not exceeding Five million pesos (PhP5,000,000.00) shall be imposed
19 for the violation of any rules and regulations or agreements reached
20 before the PAMB in the exercise of adjudicative functions.

21 *Provided*, That if an area requires rehabilitation or restoration as determined by the
22 court, the offender shall be required to restore or pay compensation for the
23 damages, which payment shall accrue to the IPAF; *Provided, further*, That the court
24 shall order the eviction of the offender from the land and the forfeiture in favor of the
25 government of all minerals, timber or species collected or removed including all
26 equipment, devices, conveyances, and firearms used in connection therewith, and
27 any construction or improvement made thereon by the offender shall be subject to
28 immediate and administrative confiscation by the PAMO, independent of the judicial
29 proceedings upon apprehension, subject, however, to due process and substantial
30 evidence requirements. When legal action is filed in the regular courts, the

1 similar devices, shall not be released until after judgment of acquittal has been
2 rendered. Proceeds of the sale of all objects administratively or judicially confiscated
3 pursuant hereto shall accrue to the IPAF. Procedures for the sale thereof shall be
4 promulgated by the PAMB. However, no confiscated or rescued protected animal
5 species shall be sold or disposed of, in any manner, but shall be immediately turned
6 over to the PAMO for rehabilitation and release to its natural habitat, subject to
7 existing regulations. Valuation of the damage wrought by this Act shall take into
8 account biodiversity and conservation considerations as well as aesthetic and scenic
9 values. Valuation assessed by the DENR, in coordination with other concerned
10 government agencies shall be presumed correct unless otherwise proven by
11 preponderance of evidence.

12 If the offender is an association or corporation, the president or manager shall
13 be directly responsible for the act of the employees and laborers: *Provided, finally,*
14 That the DENR may impose administrative fines and penalties consistent with this
15 Act.

16 Any person who shall induce another or conspire to commit any of the illegal
17 acts prohibited under this Act or suffer their workers to commit any of the same shall
18 be liable in the same manner as the one actually performing the act.

19 The penalties specified in this Section shall be in addition to the penalties
20 contained in Republic Act No. 9072 (National Caves and Cave Resources
21 Management and Protection Act), Republic Act No. 9147 (Wildlife Resources
22 Conservation and Protection Act), Republic Act No. 10654 (Revised Philippine
23 Fisheries Code), and other related laws.

24 Conviction for any offense under this Act of a public officer or officer of the law
25 shall carry the accessory penalty of perpetual disqualification from public office.

26 **SEC. 21. Existing Rights.-** All vested property and private rights within the
27 protected area and its buffer zones already existing and/or vested upon the
28 effectivity of this Act shall be protected and respected in accordance with existing
29 laws: *Provided,* That the exercise of such property and private rights shall not
30 contravene the provisions of this Act and the presidential proclamations or specific
31 laws establishing the protected areas: *Provided, further,* that the DENR shall assist

1 the PAMB and PAMO in the review of titles issued within protected areas and the
2 filing of corresponding cancellation proceedings: *Provided, finally*, That all existing
3 permits, contracts or agreements entered into by the Government for the utilization
4 of natural resources within protected areas shall continue until its expiration, unless
5 renewed, after which, such areas shall be rehabilitated or restored by the permit
6 holders within three years and shall revert to national parks classification.

7 **SEC. 22. *Tenured Migrants and Other Protected Area Occupants.***— Tenured
8 migrants shall be eligible to become stewards of portions of lands within a multiple-
9 use zone. The PAMB shall identify, verify and review all tenurial instruments, land
10 claims, and issuances of permits for resource use within the protected area and
11 recommend the issuance of the appropriate tenure instrument consistent with the
12 zoning provided in the management plan.

13 Should areas occupied by tenured migrants be designated as zones in which
14 no occupation or other activities are allowed pursuant to the attainment of
15 sustainable development, tenured migrants shall be transferred to multiple use
16 zones or buffer zones through just and humane means: *Provided*, That protected
17 area occupants who are not qualified as tenured migrants shall be resettled outside
18 the protected area.

19 In the event of termination of a tenurial instrument for cause or by voluntary
20 surrender of rights, the PASu shall take immediate steps to rehabilitate the area.

21 Following the Protected Area Occupant Survey mandated under Section 5c (i)
22 of this Act, the DENR Regional Director shall submit to the BMB within six (6)
23 months from the passage of this Act the final list of tenured migrants, which shall
24 become the official list and basis for tenured migrant recognition and issuance of
25 tenurial instruments.

26 **SEC 23. *Existing Facilities Within Protected Area.*** —Within sixty (60) days
27 from the effectivity of this Act, an inventory of all existing facilities such as roads,
28 buildings and structures, water systems, transmission lines, communication facilities,
29 heavy equipment, and irrigation facilities, among others, within the protected area
30 shall be conducted. The inventory with corresponding project descriptions and
31 assessment report shall be submitted by the DENR Regional Director to the BMB.

1 The PAMB, with the assistance of the DENR, may impose conditions for the
2 continuous operation of a facility found to be detrimental to the protected area until
3 its eventual relocation. If the conditions are violated, the owner of the facility shall be
4 made liable pursuant to Sec. 20 (d) hereof.

5 Existing facilities allowed to remain within the protected area shall be charged
6 a reasonable fee by the PAMB. Structures found within the forty (40) meter
7 easement shall be demolished unless proven necessary to protect the shoreline and
8 mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of
9 such easement for their continued operations. Wharves shall be kept accessible to
10 the public.

11 **SEC 24. *Special Uses Within Protected Areas.***- Special use of the land may
12 be allowed within protected areas except in Strict Protection Zones and Strict Nature
13 Reserves. The PAMB may recommend the issuance of tenurial instrument subject to
14 compliance to ECC and payment of corresponding user fee corresponding to 4% of
15 the highest zonal value of the land of similar nature within the nearest barangay or
16 municipality where the project is located in addition of one per cent (1%) value on
17 improvement: *Provided*, That the activity shall not be detrimental to ecosystem
18 functions and biodiversity.

19 **SEC 25. *Local Government Units.***- The Local Government Units (LGUs)
20 within the protected area shall participate in its management through representation
21 in the PAMB as provided under Section 9 hereof. The LGUs may appropriate
22 portions of their share from the annual Internal Revenue Allotment and other income
23 for use of the protected area: *Provided*, That all funds directly coming from the LGUs
24 shall be exempted from the twenty-five percent (25%) remittance requirement for the
25 IPAF under Section 16 hereof.

26 **SEC. 26. *Reporting Responsibility.***- The PASu, through the PAMB, shall
27 submit an annual accomplishment report on the status of the development and
28 management of the protected area to the Secretary of the DENR through the BMB. A
29 report on the conditions and benefits of the biological resources and ecosystem
30 services of the protected area shall also be submitted by the PASu, through the
31 PAMB, to the Secretary of the DENR every five (5) years. Consequently the BMB

1 shall likewise prepare a national State of Protected Areas (SPA) Report every five
2 (5) years and shall submit the same to the President and the Congress of the
3 Phillippines.

4 **SEC. 27. Appropriations.**— The Secretary of the DENR shall immediately
5 include in the DENR's program the implementation of this Act, the funding of which
6 shall be included in the annual General Appropriations Act.

7 **SEC.28. Construction and Interpretation.**— The provisions of this Act shall be
8 construed liberally in favor of the protection and rehabilitation of the protected area
9 and the conservation and restoration of its biological diversity, taking into account the
10 needs and interests of qualified tenured migrants and IPs and local communities and
11 the benefits from ecosystem services and functions of protected areas, for present
12 and future generations.**SEC. 29. Subsequent Site-Specific Legislation.**— Upon the
13 generation of site-specific requirements for new legislation, the PAMB shall endorse
14 to Congress for its consideration and enactment site-specific proposals appropriately
15 respond to the distinct and particular needs and conservation requirements of the
16 protected areas in each locality. Protected areas that may be later established
17 pursuant to this Act shall likewise undergo the same requirements of site specific
18 legislation.

19 **SEC. 30. Authority to Issue Implementing Rules and Regulations.**— Within six
20 (6) months from the effectivity of this Act, the DENR shall prepare the implementing
21 rules and regulations of this Act.

22 The PAMB, upon public consultation, may issue corresponding resolutions for
23 each of the protected area, taking into consideration the particular circumstances
24 and concerns of each site. The PAMB shall ensure that specific provisions of the
25 applicable Presidential Proclamation not inconsistent with this Act are adopted in the
26 said resolutions. The PAMB shall transmit the resolution to the DENR through the
27 BMB for affirmation. Within thirty (30) days after the date of receipt thereof, the
28 Secretary of the DENR shall review the for consistency with relevant existing laws,
29 rules and regulations. If the Secretary takes no action within thirty (30) days after
30 receipt of such resolutions, these shall be presumed consistent with this Act and
31 therefore effective.

1 **SEC. 31. *Transitory Provision.***— In order to ensure the recovery and
2 restoration of biological diversity and to develop sustainable livelihood opportunities
3 for tenured migrants, the DENR shall henceforth cease to issue concessions,
4 licenses, permits, clearances, compliance documents, or any other instrument that
5 allows utilization of resources within the protected area until the Management Plan
6 shall have been put into effect.

7 All existing land use and resource use permits issued for purposes which are
8 authorized within the protected area shall be reviewed and shall not be renewed
9 upon their expiration unless consistent with the management plan and approved by
10 the PAMB.

11 The prohibited acts and penalties provided in Sections 19 and 20 of this Act
12 shall also apply to all remaining initial components of the System. Duly organized
13 PAMBs for the remaining initial components of the System shall have the same
14 powers as the PAMBs of established protected areas.

15 Public lands in such initial components not yet covered by private title by
16 prescription shall be classified as National Parks upon the effectivity of this Act.

17 **SEC. 32. *Repealing Clause.***— Republic Act No. 7586 or the NIPAS Act, as
18 amended by Republic Act No. 10629 is hereby repealed. All laws, presidential
19 decrees, executive orders, rules and regulations inconsistent with any provisions of
20 this Act shall be deemed repealed or modified accordingly.**SEC. 33. *Separability***
21 ***Clause.***— If any part or section of this Act is declared unconstitutional, such
22 declaration shall not affect the other parts or section of this Act.

23 **SEC. 34. *Effectivity.***— This Act shall take effect fifteen (15) days after its
24 publication in the Official Gazette or in a newspaper of general circulation.

25 *Approved,*