



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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4352**

Introduced by Representative Maria Vida Espinosa Bravo

EXPLANATORY NOTE

This bill seeks to establish an eco-tourism and destination policy in the group of islands of Animasola, Tinalisayan, Sombrero and Dapa all within the Municipality of San Pascual, Masbate, which would lay down a framework between economic growth and environmental protection.

The islands are all endowed with natural and scenic attractions, with white sand beaches, karst scenery and magnificent rock formations

According to the NIPAS Law, "protected landscapes and seascapes" are defined as areas of significance characterized by harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the lifestyle and economic activity of the areas.

And so given the various law and issuances in the said areas, this Representation humbly believes that it is imperative to legislate a law which will harmonize the provisions of the NIPAS Law and define the parameters, mechanisms and the structure of the management of the various islands mentioned, thereby giving the public constituency a very active role.

And so with this proposed measure, the same intends to protect, conserve and rehabilitate the natural habitats and their associated biodiversity, resources and landscapes values; organized and empower communities and enable them to participate activities in management; develop, promote and manage sustainable alternative livelihood systems; inform, educate and raise the ecological

consciousness of all stakeholders in the said islands; ensure that laws and policies are effectively enforced.

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



MARIA VIDA ESPINOSA BRAVO
Representative
First (1st) District, Masbate

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AN ACT
PROVIDING FOR AN ECO-TOURISM POLICY IN THE ISLANDS OF
ANIMASOLA, TINALISAYAN, SOMBRERO AND DAPA ALL IN THE
MUNICIPALITY OF SAN PASCUAL, MASBATE AND CREATING A
FRAMEWORK FOR ITS INSTITUTIONALIZATION AND FOR OTHER
PURPOSES.

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

ARTICLE I

TITLE, POLICIES AND OBJECTIVES

SECTION 1. Title.- This Act shall be known and cited as the
ANTISODA Group of Islands Ecotourism Policy Act of 2016.

SECTION 2. Declaration of Policy.- It is the policy of the
State to ensure the right of the people to a balanced and healthful economy in accord
with the rhythm and harmony of nature. Likewise, the State further provides that
it shall maintain peace and order for the promotion of the general welfare which are
essential for the enjoyment by all people of the blessings of democracy.

SECTION 3. Scope.- The ANTISODA Group of Islands Eco-
tourism areas shall be covered by the Municipality of San Pascual, Masbate as
established in this Act. Said sites shall include but not limited within the integrated
protected areas systems (NIPAS).

ARTICLE II
MANAGEMENT, MANAGEMENT PLAN, ZONING,
ROLES AND FUNCTIONS, MECHANISMS

SECTION 4. ANTISODA Eco-tourism Management Board.-
There is hereby created an ANTISODA Eco-tourism Management Board to be composed of the following:

- 1.) The Regional Executive Director of the Department of Environment and Natural Resources, (DENR) Region V as the Chairperson;
- 2.) The Regional Director of the Department of Tourism, (DOT) Region V as the Vice Chairperson;
- 3.) The Regional Director of the National Economic Development Administration (NEDA), Region V as member;
- 4.) The Regional Director of Philippine National Police, (PNP) Region V as member;
- 5.) Mayor of Municipality of San Pascual, Masbate as member;
- 6.) President of a well-known Non-government organization or peoples' organization engaged in ecotourism based in the Region V as member;
- 7.) President of an indigenous people federation in the Region V as member;
- 8.) President of a reputable travel organization in the Region V as member;
- 9.) Barangay Captain of Iniwaran, San Pascual, Masbate
- 10.) All Sangguniang Barangay of Iniwaran, San Pascual as members;
- 11.) Two (2) prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization as members;

The Department of Environment and Natural Resources (Region V) and the Department of Tourism (Region V) shall jointly appoint two (2) prominent citizens from among a list of at least five (5) persons qualified in the Municipality of San Pascual, Masbate where the ANTISODA are all located as recommended by the Search Committee constituted by the LGU of San Pascual, Masbate, in consultation with the Chairperson and Vice Chairperson and other members of the ANTISODA Management Board based on the normal standards and qualifications for the position.

SECTION 5. Term of Office.- Every member of the ANTISODA Management Board shall serve for a term of (5) five years.

SECTION 6. Powers and duties of the ANTISODA Eco-tourism Management Board.- Its specific general powers and duties shall be the following:

- 1.) Review and update the existing Eco-tourism Master Plan and supervise the implementation of the corresponding programs and activities therein;
- 2.) Assess and evaluate the potential impact of development of the eco-tourism sites through the conduct of environmental impact assessment by the Department of Environment and Natural Resources (DENR) Region V thru its implementing rules and regulations;
- 3.) Conduct consultations with the locals of San Pascual, Masbate to be affected by the eco-tourism development to integrate their cultural values and beliefs in eco-tourism plans which may be formulated through the locals' initiative;
- 4.) Provide technical and financial assistance to communities within the ANTISODA;
- 5.) Formulate rules and regulations which shall prohibit collection of wildlife species, illegal extraction of sand and gravel, mineral exploration, extraction and quarrying, squatting on any portion which are critical habitat which unnecessarily utilize the all the resources in identified eco-tourism sites;
- 6.) The Chairperson shall assign a composite technical team which will conduct actual investigation of any reported mining activity;
- 7.) The Chairperson shall facilitate to instruct the Office of the Mines and Geo Science Bureau of DENR Region V to deputize the PNP or Philippine National Police or that the same could apprehend and file charges against the perpetrators of any illegal mining or quarrying activities in the areas of ANTISODA respectively; Considering the same is under the prohibitions pursuant to Section 5 (a) (4) of DAO 2010-21 and BP #265;
- 8.) The Chairperson shall further facilitate for the full implementation on the issues on ANTISODA that there are portions which are unclassified Public Forest. Therefore, the same is the administrative jurisdiction and control of the Regional Technical Director of the Forest Management Bureau of DENR Region V, hence, the same is not subject to disposition under the Public Land Act. The LGU of San Pascual must not accept payments for Real Tax.
- 9.) Must come up with a Memorandum of Agreement (MOA) with all the municipalities of the First (1st) District of Masbate to strengthen its programs on marine turtle conservation.

SECTION 7. Meeting of the ANTISODA Management Board.-

The Board shall regularly convene once every two (2) months. Whenever necessary, the Chairperson of the Board may upon (3) three days prior to the written notice, call a maximum of two (2) special meetings within the same period.

A quorum of the Board shall consist of a majority of all its members holding office at the same time of the meeting; provided, however, that the Chairperson of the Board is among those present in the meeting.

In the absence of the Chairperson shall he/she designate the Vice Chairperson to preside in the meeting called for.

SECTION 8. Management of the ANTISODA.- The management and administration shall be vested upon the ANTISODA Management Board, as herein provided.

SECTION 9. Incentives of the ANTISODA Management Board.- In addition to the actual and necessary travelling and subsistence expenses incurred in the performance of their duties, the ANTISODA Management Board members may be granted honoraria and insurance coverage when attending ANTISODA Management Board committee meeting. These expenses may be included in the budget.

SECTION 10. Rules of Procedure.- The ANTISODA Management Board shall determine by appropriate resolution and its procedural rules, which shall include discipline and removal of erring officers and members.

SECTION 11. Zoning.- Management zones shall be established within the ANTISODA, giving primary consideration to the preservation and conservation of all life forms in accordance with applicable laws, rules and regulations. Zoning shall also take into consideration the effective protection of habitats, fragile ecosystems and unique areas.

The process of identifying, delineating and establishing management zones within the ANTISODA shall be consultative and participatory, involving the concerned stakeholders through steps as dialogue and community and resource-use-mapping activities.

The metes and bounds of each management zone shall be indicated on maps and or nautical charts.

SECTION 12. ANTISODA Eco-Tourism Master Plan.- The Department of Environment and Natural Resources (DENR Region V) and the Department of Tourism (DOT Region V) shall within (120) one hundred twenty days from the effectivity of this Act, a master plan shall be prepared by the ANTISODA Management Board in coordination with the local community and various stakeholders.

SECTION 13. Successor Plan.- Before the expiration of the initial management plan, there shall be a successor plan to be prepared by the ANTISODA Management Board in the same manner as the procedure and principles herein set forth.

Two (2) years before the expiration of the management plan, the ANTISODA Management Board shall cause the publication of the notices for comments and suggestions on the successor plan using all available media, but at least in a newspaper of general circulation and in posting of such notices in the Municipality of San Pascual, Claveria, Monreal, San Jacinto, San Fernando and Batuan including all the Barangay halls of the First (1st) District of Masbate and in (3) three other conspicuous areas frequented by the public. The successor plan shall be made available to the public for perusal at the office and sub-offices of the ANTISODA Management Board.

SECTION 14. Role of the Local Communities and other Stakeholders.- The local communities and other stakeholders to be affected by the development of the eco-tourism shall participate in the formulation of the eco-tourism plans for the tourism industry development that shall redound to jobs and livelihood opportunities that will ultimately result to poverty alleviation through inclusive growth as envisioned by the ANTISODA Management Board.

The local communities and other stakeholders may declare their own localities as included in the network of eco-tourism sites of ANTISODA. Furthermore, they shall receive the proceeds of eco-tourism activities in their respective areas as well as preference in the employment opportunities that will be generated therefrom; Provided further, that the local communities shall set aside a portion of the proceeds sufficient to provide for the protection and conservation of the environment in the eco-tourism site of the ANTISODA.

SECTION 15. Code of Eco-Tourism Practice and Ethics.- The ANTISODA Management Board shall formulate a Code of Eco-Tourism Practice and Ethics (6) six months after the approval of this Act and after a series of consultations with the concerned and affected sectors of the tourism industry as well as affected communities.

SECTION 16. ANTISODA Fund.- There is hereby created a ANTISODA fund which shall consist of all fees, penalties, donations, grants, endowments, revenues and any other income pertaining to the ANTISODA ecotourism. The fund shall be used for financing projects and activities in the ANTISODA to attain the objectives of this Act.

The ANTISODA fund shall be deposited in a government bank and automatically appropriated for the exclusive use of the ANTISODA beaches and

diving areas which shall be in accord with the management plan, approved work and financial plan and manual operations of the eco-tourism areas. The fund shall be subject to the rules and regulations of the Commission on Audit (COA) and the ANTISODA Management Board shall submit a report to the DENR and DOT as to the disposition of the same.

All proceeds and revenues pertaining to the ANTISODA shall be exempt from whatever tax, charges or fees: Provided, that the ANTISODA Management Board shall apportion the revenues in accordance with the provisions of this Act.

ARTICLE III UTILIZATION OF RESOURCES

SECTION 17. Activities within and use of ANTISODA Resources.- No person or entity shall enter, enjoy or use any portion of the ANTISODA Group of Islands and its resources for whatever purpose without the permission from the ANTISODA Management Board as herein provided.

SECTION 18. Mode of Utilization.- The ANTISODA Management Board shall determine base on existing scientific, laws, rules and regulation, international instruments, traditional resource utilization, management modalities in the areas, carrying capacity and observing precautionary principle the modes of utilization of ANTISODA and all the resources found therein. Permits shall only be issued for such modes of utilization and enjoyment as the ANTISODA Management Board and this Act shall allow.

SECTION 19. Utilization Permits and Users Fees.- The ANTISODA Management Board shall have the exclusive authority to issue permits and conditions thereto for the temporary access to the ANTISODA Group of Islands such as passage, visiting or diving, subject to the limits as may be determined by the ANTISODA Management Board and determine/collect fees for the use and enjoyment of the ANTISODA and the resources therein; Provided however, that entry into the ANTISODA for emergency reasons shall not be subject to permit and users' fees.

SECTION 20. Energy and Non-Renewable Resources.- Any exploration, exploitation or use of non-renewable resources, such as minerals and oil, within the ANTISODA shall not be allowed. Energy projects shall be allowed only through an Act of Congress except those that generate from wind and sun or other clean renewable energy sources.

ARTICLE IV PROHIBITED ACTS AND PENALTIES

SECTION 21. Unauthorized Entry, Enjoyment or Use.- Except in emergency situations, it shall be unlawful to enter the strict protection zones within The ANTISODA without permission from the ANTISODA Management Board as herein provided. It shall be unlawful to enter, enjoy or use for any purpose any management zone where such entry, enjoyment or use prohibited. This rule shall similarly apply to the use of the vehicles, vessels, gears and equipment in the management zones where such are not allowed.

SECTION 22. Non Payment of Users Fees.- It shall be unlawful for any person or entity to enjoy or utilize the ANTISODA and the resources therein without payment of users' fees as may be imposed by the ANTISODA Management Board.

Violation of this section shall be penalized with an administrative fine or double the amount set by the ANTISODA Management Board for the activity undertaken.

SECTION 23. Unauthorized Anchorage.- Except in emergency situations, it shall be unlawful for any person or entity to anchor outside the designated areas determined by the ANTISODA Management Board.

SECTION 24. Dumping of Waste and Littering.- It shall be unlawful for any person or entity to dump waste inside the ANTISODA. It shall likewise be unlawful to clean and change oil of vessels within the ANTISODA Group of Islands.

SECTION 25. Bioprospecting without Permit.- It shall be unlawful to conduct bioprospecting within the ANTISODA Group of Island.

Violation of this section shall be punished with imprisonment of (2) two years to (6) six years; fine of (P500,000.00) five hundred thousand pesos to (P1,000,000.00) one million pesos; forfeiture of the resources subject of the offense and equipment, gears and vessels used. The ANTISODA Management Board shall impose an administrative fine ranging from (P500,000.00) five hundred thousand pesos to (P1,000,000.00) one million pesos; confiscation and forfeiture of the resources subject of the offense and the equipment, gears and vessels used.

SECTION 26. Introduction of Exotic Species.- It shall be unlawful to introduce exotic species of plants or animals in the ANTISODA Group of Islands.

Violation of this section shall be punished with imprisonment of (2) two years to (6) six years; fine of (P350,000.00) three hundred fifty thousand pesos to (P1,000,000.00) one million pesos; and forfeiture of the resources subject of the offense and the equipment, gears and vessels used. The ANTISODA Management Board shall impose an administrative fine ranging from (P350,000.00) three hundred fifty thousand pesos to (P1,000,000.00) one million pesos; and confiscation and forfeiture of the resources subject of the offense, and the equipment, gears and vessels used.

SECTION 27. Hunting, catching, fishing, killing, taking, gathering, removing, destroying, disturbing or possessing resources.- Except in cases of emergency and safety, it shall be unlawful for any person to actually or to attempt to hunt, catch, fish, kill, take, remove, destroy, disturb or possess any resources, whether living or non-living or products derived from the ANTISODA and such other permit as may be required by law, rules and regulations. The unauthorized entry of a vessel in the ANTISODA shall be prima facie evidence of violation of this section.

Violation of this section shall be punished as follows:

- 1.) Where the offender uses explosives, noxious or poisonous substances or electricity, the penalty shall be imprisonment ranging from (6) six years to (12) twelve years without prejudice to the filling of separate criminal cases when the use of the same results in physical injury or loss of human life; fine ranging from (P450,000.00) four hundred fifty thousand pesos to (P1,500,000.00) one million and five hundred thousand pesos ; and forfeiture of the resources subject of the offense, and equipment, gears, vessels used. The ANTISODA shall impose an administrative fine ranging from (P250,000.00) two hundred fifty thousand pesos to (P750,000.00) seven hundred fifty thousand pesos and confiscation and forfeiture of resources subject of the offense and equipment, gears and vessels used.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements or noxious or poisonous substances or equipment or device for electro-fishing in any vessel or in the possession of any person within the ANTISODA shall constitute as prima facie evidence that the same was used in violation of this Act. The discovery in any vessel or in the possession of any person of the ANTISODA resources caught, taken, killed, gathered or destroyed with the use of explosives, noxious or poisonous substances or by electricity shall constitute prima facie evidence of violation of this Act.

- 2.) Where the offender merely possesses explosives, noxious or poisonous substances or electro-fishing devices within the ANTISODA, the

punishment shall be imprisonment ranging from (6) six years to (12) twelve years; fine ranging from (P450,000.00) four hundred fifty thousand pesos to (P1,200,000.00) one million and two hundred pesos ; forfeiture of fish catch, fishing equipment and vessels; The ANTISODA shall impose an administrative fine ranging from (P250,000.00) two hundred fifty thousand pesos to (P1,000,000.00) one million pesos; confiscations and forfeiture of the resources subject of the offense, equipment, gears and vessels.

- 3.) Where the offender takes, removes, fishes gathers, kills, destroys or possesses corals, except for scientific or research purposes authorized by the ANTISODA, other laws, the Department Of Environment and Natural Resources (DENR), the operator, boat captain, master fisherman and recruiter or organizer of fish workers involved shall suffer a penalty of (6) years and (1) one day to (12) twelve years imprisonment; fine of not less than (P350,000.00) three hundred fifty thousand pesos to (P750,000.00) seven hundred fifty thousand pesos; forfeiture of catch, fishing equipment, gears and vessels. The ANTISODA shall impose administrative fine ranging from (P350,000.00) three hundred thousand pesos to (P750,000.00); and confiscation and forfeiture of the corals subject of the offense, and the equipment, gears and vessels used.
- 4.) Where the offender takes, removes, fishes, gathers, kills, destroys or possesses corals, except for scientific or research purposes authorized by the ANTISODA, the penalty shall be imprisonment ranging from (6) six years and (1) one day to (12) twelve years; fine ranging from (P350,000.00) three hundred fifty thousand pesos to (P750,000.00) seven hundred fifty thousand pesos; forfeiture of corals, equipment, gears and vessels. The ANTISODA shall impose an administrative fine ranging from (P350,000.00) three hundred fifty thousand pesos to (P750,000.00) seven hundred fifty thousand pesos only; confiscation and forfeiture of the corals subject of the offense and the equipment, gears and vessels used.
- 5.) Muro-Ami, pa aling and all kinds of trawls (galagad, Norway), purse seine (pangulong) Danish seine (hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba, palisot, patangko, bira-bira, hulahoop, zipper, lampornas, etc) ring net (kubkob, pangulong, kalansisi) drive in net (kayakas) round haul siene (sapyaw, lawag) motorized push net (sudsod), bagnet (basing, saklit) or any other variations are hereby declared destructive fishing methods or gears under this provision.
- 6.) Where the offender gathers or removes pebbles, stones, rocks, sand or other materials that form part of the habitat or otherwise engages in the quarrying or dredging of any portion of the ANTISODA, the penalty shall be (6) six years and (1) one day to (12) twelve years imprisonment; fine of not less than (P350,000.00) three hundred fifty thousand pesos

to (P750,000.00) seven hundred fifty thousand pesos; and forfeiture of the substance taken from the habitat and the equipment and vessels used to commit such violation. The ANTISODA shall impose administrative fine ranging (P350,000.00) three hundred fifty thousand pesos to (P750,000.00) seven hundred fifty pesos; and confiscation and forfeiture of the substance taken and equipment and vessels used in the commission of the violation.

- 7.) Where the subject of the offense are protected species as defined in this Act, the penalty shall be imprisonment of (12) twelve years to (20) years; and fine of (P450,000.00) four hundred fifty thousand pesos to (P1,000,000.00) one million pesos for every threatened or endangered organism subject of the offense; forfeiture of the catch, equipment, gears and vessels; and cancellation of fishing permit. The ANTISODA shall impose an administrative fine ranging from (P350,000.00) three hundred fifty thousand pesos to (P1,000,000.00) one million pesos for every threatened or endangered organism subject of the offense; and confiscation and forfeiture of catch, equipment, gears and vessels.

SECTION 28. Poaching by foreigners.- It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in the ANTISODA. The entry of any foreign fishing vessel in the ANTISODA shall constitute prima facie evidence that the vessel is engaged in fishing in the area.

Violation of the above shall be punished by imprisonment of (6) six years to (1) one day to (12) twelve years and a fine of (\$150,000.00) one hundred fifty thousand dollars, in addition to the forfeiture of its catch, fishing, equipment and fishing vessel; Provided, that in case of non-payment of fine, subsidiary imprisonment shall be imposed; Provided further, that the ANTISODA Management Board is empowered to impose an administrative fine of not less than (\$70,000.00) seventy thousand dollars but not more than (\$250,000.00) two hundred fifty thousand dollars or its equivalent in Philippine currency, in addition to the confiscation and forfeiture of the fish catch, fishing equipment and fishing vessel. Provided finally, that a bond may be posted for the vessels which shall not be less than (\$100,000.00) one hundred thousand dollars.

SECTION 29. Violation of Environmental Impact Assessment System (EIAS).- The ANTISODA Management Board shall prosecute violations of laws and rules of the Environmental Impact Assessment System. Such violations shall be punished by imprisonment of (6) six years to (1) one day to (12) twelve years; fine of (P250,000.00) two hundred fifty thousand pesos for every day that each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and forfeiture of the vessels, structures, effects, materials and equipment used and the products of such violation.

SECTION 30. Violation of Standards.- The owner, operator and top three (3) officers of any vessel violating the standards set by the ANTISODA Management Board, such as, but not limited to safety and sanitary standards, shall suffer administrative penalty of fine ranging from (P80,000.00) eighty thousand pesos to (P100,000.00) one hundred thousand pesos for every day each violation subsists and from suspension of (6) six months to cancellation of permit to operate in the ANTISODA.

SECTION 31. Obstruction of Law Enforcement Officer.-The boat owner master, operator or any person acting on his/her behalf of any vessel who evades, obstructs or hinders any law enforcement officer in the ANTISODA to perform his/her duty, shall be fined by (P35,000.00) thirty five thousand pesos. In addition, the registration, permit and or license of the vessel including the license of the officers thereof shall be cancelled.

SECTION 32. Promulgation of Rules and Regulation.- The ANTISODA Management Board may issue rules and regulations, including the imposition of penalties, in pursuit of the conservation, preservation, management and sustainable development of the ANTISODA. Provided, that such rules and regulations shall be consistent with this Act.

SECTION 33. Fines and Forfeitures.- All criminal and forfeitures that may be imposed by the courts and administrative fines and forfeitures that may be imposed by the ANTISODA Management Board under this Act and the rules and regulations that may be promulgated in pursuit of the goals and objectives of this Act shall be given to the ANTISODA Management Board and shall form part of the funds and assets of the ANTISODA Management Board.

ARTICLE V LAW ENFORCEMENT AND PROSECUTION

SECTION 34. Enforcement of this Act, other laws, rules and regulations within the ANTISODA.- The Armed Forces of the Philippines (AFP), Philippine National Police (PNP), the Philippine Coast Guard (PCG), the law enforcement officers of the Department of Environment and Natural Resources (DENR) and the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR), LGU Officials, law enforcement officers of LGU's, members and officers of the ANTISODA and other government enforcement agencies, are hereby authorized to enforce this Act and other laws, rules and regulations within the ANTISODA.

The ANTISODA may deputize in writing other persons to enforce the provisions of this Act and other laws, rules and regulations within the ANTISODA.

SECTION 35. Inspection Powers.- The ANTISODA Management Board and all law enforcers shall have the power to stop, board, search and inspect all vessels within the ANTISODA for the purpose of enforcing the provisions of this Act and other laws, rules and regulations.

SECTION 36. Coordination between ANTISODA Management Board and Law Enforcement Agencies.- The ANTISODA Management Board shall coordinate with the law enforcement arms and agencies of the government to ensure effective enforcement of the provisions of this Act and other applicable laws, rules and regulations within the ANTISODA. The AFP, PNP, PNP-Maritime Command, PCG, law enforcement officers of the DENR, DA-BFAR and concerned LGU shall cooperate with the ANTISODA Management Board for this purpose. Towards this end, the concerned agencies shall promulgate the necessary joint issuances and orders providing guidelines and procedures for common activities no later than (6) six months from effectivity of this Act.

SECTION 37. Special Prosecutors and Counsels.- The Department of Justice (DOJ), upon recommendation of the ANTISODA, shall designate special prosecutors, either or both from among state and public prosecutors to conduct the preliminary investigation and prosecute violations of this Act and other laws, rules and regulations of the ANTISODA. Such special prosecutors shall coordinate with the ANTISODA Management Board in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The ANTISODA Management Board shall periodically submit an evaluation of the performance of the designated special prosecutors to the DOJ.

The ANTISODA Management Board may retain the services of a competent lawyer to prosecute and assist in the prosecution of cases under the direct control and supervision of the regular prosecutor and to defend the members of the ANTISODA Management Board and its staff or any person assisting in the protection, conservation and sustainable development of the ANTISODA, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the ANTISODA Management Board.

SECTION 38. Citizens Suit.- For the purpose of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against;

- 1.) Any person who violates or fails to comply with the provisions of this Act, its implementing rules and regulations; or

- 2.) Those persons mandated to implement and enforce the provisions of this Act with respect to orders, rules and regulations issued inconsistent with this Act;
- 3.) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of this duty; or improperly performs his duties under this Act or its implementing rules and regulations; Provided, however, that no suit can be filed until after (30) thirty day notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The court shall exempt such action from the payment of filing fees and likewise, upon prima facie showing of the enforcement or violation complained of exempt plaintiff from the filing of an injunction bond for the issuance of preliminary injunction.

In the event that the citizen should prevail, the court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

SECTION 39. Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act.- Where a suit is brought against a person who filed an action as provided in Section 38 of this Act or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the court as the case may be, to immediately make a determination not exceeding (30) thirty days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal course of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the investigating prosecutor or the court, as the case may be, shall dismiss the complaint. In addition, the court shall award the attorney's fees and double damages.

The provision shall also apply and benefit public officers who are sued for acts committed in their official capacity. There being no grave abuse of authority, and done the course of enforcing this Act.

ARTICLE VI TRANSITORY PROVISIONS

SECTION 40. Convening the ANTISODA Management Board.- Within (1) one month upon the effectivity of this Act, the interim ANTISODA shall convene to ensure that its composition and structure conform with the provisions of this Act.

SECTION 41. Continuation of All Arrangements.- Except when otherwise provided by this Act, all arrangements, commitments and agreements pertaining to the management, utilization, conservation and protection of the ANTISODA made and entered into by government agencies, the Philippine Navy, and the Philippine Coast Guard shall continue to subsist until validly amended, revised, repealed or renewed.

ARTICLE VII GENERAL PROVISIONS

SECTION 42. Appropriation.- For the purpose of this Act, there is hereby appropriated the amount of (P1,500,000.00) one million five hundred pesos, annually for the first five (5) years or implementation of this Act, after which the ANTISODA fund should support the activities of the protected area without prejudice to the possibility of annual appropriations as may be required and sourced from the budget of the DENR.

SECTION 43. Construction and Suppletory Application of Existing Laws.-The provision of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development. The provisions of Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Act, Republic Act No 8550, otherwise known as the Wildlife Resources Conservation Act, and existing forestry laws and their corresponding rules and regulations not consistent hereto shall have suppletory effect in the implementation of this Act.

SECTION 44. Suppletory Clause.- If any part or section of this Act is declared unconstitutional or otherwise invalid, such declaration shall not affect the other parts or sections hereof.

SECTION 45. Repealing Clause.- All laws, presidential decrees, executive orders, rules and regulations inconsistent with this Act shall be deemed repealed or modified accordingly.

SECTION 46. Effectivity Clause.- This Act shall take effect immediately after its complete publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,