

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **6185**



Introduced by Congresswoman MARIA VIDA ESPINOSA BRAVO
Congresswoman EVELINA G. ESCUDERO
Congressman FERNANDO V. GOZALEZ
Congressman DEOGRACIAS B. RAMOS, JR.
Congressman RODEL M. BATOCABE

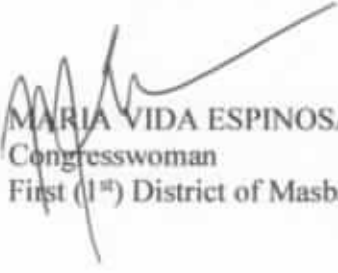
EXPLANATORY NOTE

Ticao Island is surrounded by several dive sites like the Manta Bowl, which is the cleaning and feeding station of manta rays. The manta bowl shoal is an underwater atoll which covers seven (7) to eight (8) hectares flat area. There are five (5) different dive sites which ranges from 14 to 29 meters and all offer the chance to see the big marine creatures. The waters where all the Manta Bowl lies—Ticao and Burias Pass—is known for the plankton rich water and constant current. Such traits make the waters of Ticao an alley for other pelagics like whale sharks, thresher sharks, hammerhead sharks and tiger sharks.

The Manta Bowl (Tadugan Reef) has emerged as one of the most important feeding areas for whale sharks and manta rays and identified as extremely critical habitat as both mating ground and birthing ground.

The high frequency of encounters has resulted in a burgeoning dive tourism industry which promises to be extremely lucrative while also promoting job creation and infrastructure development, but to date the manta rays remain an unprotected species in Ticao Island. Additionally, no comprehensive programs exist to manage existing populations of these manta rays or their primary habitats. As such, there are currently no legal safeguards to protect this developing industry or the employment it provides. As these manta rays do not represent a current or a viable fishery nor do any indigenous populations.

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


MARIA VIDA ESPINOSA BRAVO
Congresswoman
First (1st) District of Masbate


EVELINA G. ESCUDERO
Congresswoman
First (1st) District of Sorsogon



FERNANDO V. GONZALEZ
Congressman
Third (3rd) District of Albay



DEOGRACIAS B. RAMOS, JR.
Congressman
Second (2nd) District of Sorsogon



RODEL M. BATOCABE
Congressman
AKO Bikol Partylist

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AN ACT

DECLARING THE TACDUGAN REEF KNOWN AS THE MANTA BOWL
LOCATED IN SITIO TACDUGAN, BAGAHANGLAD, SAN JACINTO MASBATE
AS A PROTECTED AREA, PROVIDING FOR ITS MANAGEMENT AND FOR
OTHER PURPOSES.

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

SECTION 1. Declaration of Policy.- It is hereby declared the policy of
the State to ensure the protection and conservation of the globally significant economic,
biological, socio-cultural, educational and scientific value of the Tacdugan Reef-Manta
Bowl for the enjoyment of present and future generations. These policy objectives shall
be pursued through sustainable and participatory management, taking into consideration
all applicable laws and international conventions that have been duly ratified by the
Government of the Philippines.

SECTION 2. Category and Scope.- For purposes of management
direction including the allowable activities therein the Tacdugan Reef-Manta Bowl is
hereby categorized as a protected area pursuant to Republic Act No. #7586 or the
National Integrated Protected Areas System (NIPAS) Act of 1992. The Tacdugan Reef-
Manta Bowl covers seven (7) to eight (8) hectares flat area comprising the coasts and
marine waters specifically of Sitio Tacdugan Barangay Bagahanglad Municipality of
San Jacinto Province Masbate.

SECTION 3. Management of Tacdugan Reef-Manta Bowl.- The
management and administration shall be vested upon the Tacdugan Reef-Manta Bowl
Protected Area Management Board (TRMRB-PAMB).

SECTION 4. Zoning.- The management zones shall be established within the TRMRB-PAMB, giving primary consideration by the preservation and conservation of all life forms in accordance with its category as a protected area and applicable laws, rules and regulations. Zoning shall take into consideration the effective protection of habitats, fragile ecosystems and unique areas.

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

The meters and bounds of the management zone shall be indicated on maps and/or nautical charts.

SECTION 5. Management Plan.- Within one (1) year from the effectivity of this Act, a management plan shall be prepared by the Tacdugan Reef-Manta Bowl Protected Area Superintendent (TRMRB-PASu), in coordination with the local community, various stakeholders, local government units in the area with the supervision and assistance of the Department of Environment and Natural Resources (DENR-Region V) and the Bureau of Fisheries and Aquatic Resources (BFAR-Region V). The management plan shall contain among others;

- a.) Category of the Protected Area;
- b.) A period of applicability for (10) ten years subject to periodic review every (3) three years;
- c.) Goals and objectives of management in support of Section 2 hereof;
- d.) Key Management Issues, such as but not limited to, issuance, screening, and approval of all development and resource-use activities within the TRMB-PAMB; and adequate protection and restoration of endangered species and fragile ecosystems;
- e.) Major Management Activities including, but not limited to, enforcement of laws, habitats and wildlife management, sustainable use management, infrastructure development and maintenance, fire prevention, pest and disease control, and disaster management;
- f.) Zoning in accordance with Section 6 hereof;
- g.) Site Management Strategy including but not limited to establishment of clear and simplified guidelines on the activities that can be allowed within the zones, including buffer zones;
- h.) Mechanism for the protection, regulation and prohibition of persons within the TRMRB-PAMB, in accordance with their rights;
- i.) Mechanisms to ensure consultative and participatory decision-making process.

The management plan shall be consistent with the nature of the TRMRB-PAMB, and submitted to the DENR.

SECTION 6. Successor Plan.- Before the expiration of the initial management plan, there shall be a successor plan to be prepared by the TRMB-PASu in the same manner as the procedure and principles herein set forth. For (2) two years before the expiration of the management plan, the TRMB-PAMB shall cause the publication of notices for comments and suggestions on the successor plan using all available media, but at least in a newspaper of local circulation, and the posting of such notices in the municipal and barangay halls and in (3) three 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 TRMRB-PAMB.

SECTION 7. Creation and Composition of the Tacdugan Reef-Manta Bowl Protected Area Management Board (TRMB-PAMB).- There shall be a Tacdugan Reef-Manta Bowl Management Board which shall be a sole policy-making and permit-granting body in the TRMB-PAMB. It shall be composed of:

- a.) Regional Executive Director of the Department of Environment and Natural Resources (DENR Region V) as Chairperson;
- b.) Regional Director of Bureau of Fisheries and Aquatic Resources (BFAR Region V) as Co-Chairperson;
- c.) CENRO of DENR as Members;
- d.) The Municipal Mayors of various municipalities encompassed by the TRMRB-PAMB as Members;
- e.) The Municipal Environment Natural Resource Officer of various municipalities encompassed by the TRMB-PAMB as Members;
- f.) Three (3) Representatives from the NGO involved in the conversation and management of TRMB-PAMB to be chosen from among themselves in an election duly called for the purpose and;
- g.) The TRMB-PASu as Ex-officio Member;

Except for government officials who shall serve as ex-officio, every TRMB-PAMB member shall serve for a term of (3); provided, that the said person remains connected with the sector being represented. Whenever a vacancy occurs during the term of a member who does not represent the government, a new member shall be chosen in the same manner as the original process to serve the remaining term of predecessor.

The TRMB-PAMB en banc shall hold regular meeting at least once every three (3) months. However, the executive committee, as provided herein, may meet on a more regular basis to discuss regular day to day affairs and other matters delegated by the TRMB-PAMB.

SECTION 8. Executive Committee and other Committees.- There shall be an Executive Committee (EXECOM) to be headed alternately by one (1) of the TRMB-PAMB Chairpersons, to which the TRMB-PAMB may delegate some powers and functions. Its members shall be chosen by the TRMB-PAMB from among themselves.

The TRMB-PAMB may create other committees as it may deem necessary.

SECTION 9. Incentives for TRMB-PAMB Members.- In addition to actual and necessary travelling and subsistence expenses incurred in the performance of their duties, TRMB-PAMB members may be granted honoraria and insurance coverage when attending the TRMB-PAMB or other TRMB-PAMB committee meetings. These expenses may be included in the budget for the TRMB.

SECTION 10. Rules of Procedure.- The TRMB-PAMB shall determine by appropriate resolutions its procedural rules, which shall include discipline and removal of erring officers and members.

SECTION 11. Powers and Functions of the TRMB-PAMB.- The TRMB-PAMB shall have the following powers and functions:

- a.) Decide matters relating to planning, resource use and protection and general administration of the area in accordance with the management plan;
- b.) Approve budget allocations, proposals, work plans, action plans and guidelines for the management of the TRMB-PAMB in accordance with the management plan and its policies;
- c.) Coordinate with the national and local agencies, local government units, local communities, non-governmental organizations and such other institutions to ensure the conservation and management of the TRMB-PAMB;
- d.) Initiate the implementation of the delineation of the boundaries of the TRMB-PAMB;
- e.) Promulgate the rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development within the TRMB-PAMB and consistent to management plan;
- f.) Ensure the implementation and enforcement of laws and regulations, policies, programs and projects within the TRMB-PAMB;
- g.) Control and regulate construction, operation and maintenance of structures and utilities within the TRMB-PAMB;
- h.) Monitor and evaluate the performance of the TRMB-PAMB and all other persons tasked to implement activities and projects in the TRMB-PAMB;
- i.) Appoint the TRMB-PAMB Park Superintendent and upon recommendation of the Park Superintendent, appoint all the TRMB-PAMB management personnel based on the internal selection criteria and decide on their compensation and benefits;
- j.) Generate funds and accept and accept donations and grants and exercise accountability over all funds that may accrue to the TRMB-PAMB;
- k.) Manage the TRMB-PAMB Trust Fund, as herein provided;
- l.) Exercise quasi-judicial functions for adjudicating cases of violations of this Act and exact fines and fees for violations of guidelines, rules and regulations within the TRMB-PAMB;
- m.) Set and impose fees for permits, including but not limited to utilization permits and users fees, to be used by the TRMB-PAMB, and prescribe the necessary qualifications therefore;
- n.) Designate collecting officers for the funds, generated by the TRMB-PAMB and formulate a procedure for the disbursement thereof in accordance with sound accounting and auditing standards;

- o.) Retain legal counsel to defend cases against the TRMB-PAMB and the Office of the Park Superintendent whenever they are sued in connection with the performance of their duties under this Act, its guidelines and rules and regulations pertaining to the TRMB-PAMB;
- p.) Provide adequate measures to ensure consultation and participation of stakeholders;
- q.) Perform such other functions necessary for the fulfillment of the provisions of this Act and other applicable laws, rules and regulations, and other tasks that may be formally requested by various Local Government Units (LGU) in whose land area for part of the TRMB-PAMB.

SECTION 12. Tacdugan Reef-Manta Bowl Protected Area Superintendent's Office (TRMB-PASu).- There shall be a Tacdugan Reef-Manta Bowl Protected Area Superintendent's Office to be headed by the TRMB-PASu who shall serve as the chief operating officer of the entire TRMB. TRMB-PASu and his/her staff shall hold in a place to be designated by the TRMB-PAMB. Provided, that the TRMB-PAMB may authorize the establishment of sub-offices for purposes of convenience, safety, accessibility, economy and such other justifiable reasons; Provided, further, that at least a sub-office shall be established within the TRMB-PAMB;

The TRMB-PAMB shall have a full responsibility for the protection of resources within the TRMB-PAMB and shall exercise the following duties and responsibilities in addition to those provided under existing laws and regulations;

- a.) Prepare the management plan and its successor plans as herein provided;
- b.) Serve as Secretary to the TRMB-PAMB with the duty to provide the TRMB-PAMB with all the information necessary to make appropriate decisions for the implementation of this Act;
- c.) Hire non-management personnel of the TRMB-PAMB and recommend management personnel to the TRMB-PAMB;
- d.) Supervise TRMB-PAMB personnel in the performance of their duties and functions;
- e.) Establish productive partnership with national and local agencies, local government units, local communities, non-governmental organizations and such other institutions to ensure the conservation and management of the TRMB-PAMB;
- f.) Develop and implement park information, interpretation, education and other visitor programs;
- g.) Enforce the laws, rules and regulations and TRMB-PAMB resolutions relevant to the TRMB-PAMB, file complaints and assist in prosecution of offenses;
- h.) Monitor all activities within the TRMB-PAMB in conformity with the management plan;
- i.) Ensure that consultative and participatory mechanisms are maximized in decision-making;
- j.) Perform such other functions as the TRMB-PAMB may assign;

SECTION 13. Components of the TRMB-PASO.- The TRMB-PASO, with the approval of the TRMB-PAMB shall ensure efficient and effective implementation of this Act through various components or divisions that may be deemed necessary. Provided, that the TRMB-PAMB and the TRMB-PASu shall ensure that there are components in the TRMB-PASO that shall ensure the conservation awareness; visitor management; research, planning and monitoring planning, information, education and communication; law enforcement and security; and community development

SECTION 14. Role of Local Government Units.- The municipalities encompassed by the TRMB Protected Area shall participate in the management of the TRMB Protected Area through the representation in the TRMB-PAMB. The provisions of this Act shall be incorporated into the municipal development plans of the First District of Masbate and Regional Development Plans of Region V as part of the environmental concerns of the provinces and the regions. Local government units shall likewise ensure that local ordinances pertaining to the environment are consistent with this Act and the management plan, as herein provided.

SECTION 15. Role of the DENR.- The DENR shall coordinate closely with the TRMB-PAMB to ensure sound management and conservation of the TRMB-PAMB; provide technical and financial assistance; and to be represented in the TRMB-PAMB by the Regional Executive Director of DENR Region V as the Chairperson.

SECTION 16. Fiscal Matters.- The TRMB-PAMB shall enjoy a fiscal autonomy. It shall have sole power to decide on the use of its funds from whatever source.

The TRMB-PA shall not be required to contribute to the Integrated Protected Area Fund (IPAF) provided under Republic Act No. 7586.

SECTION 17. The TRMBPA Fund.- There is hereby created a Tacdugan Reef-Manta Bowl Protected Area Fund which shall consist of all the fees, penalties, donations, grants, endowments, revenues and any other income pertaining to the TRMBPA. The fund shall be used for financing projects and activities in the TRMB-PA to attain the objectives of this Act.

The Tacdugan Reef-Manta Bowl Protected Area Fund shall be deposited in a government bank automatically appropriated for the exclusive use of the TRMB-PAMB for park operations according to its management plan, approved work and financial plan, manual of operations. The fund shall be subject to the regulations of the Commission on Audit and the TRMBPASO shall submit a report to the DENR as the disposition of the same.

All proceeds and revenues pertaining to the TRMBPA shall be exempt from whatever tax charges or fees. Provided, that the TRMB-PAMB shall apportion the revenues in accordance with the provisions of Section 16 of this Act.

SECTION 18. Activities Within and Use of TRMBPA Resources.- No person or entity shall enter, enjoy, or use any portion of the TRMBPA and its resources for whatever purpose without prior permission from the TRMB-PAMB or the TRMB-PASu as herein provided.

SECTION 19. Modes of Utilization.- The TRMB-PAMB shall determine based on existing evidence, laws, rules and regulation, international instruments, traditional resource utilization, management modalities in the area, carrying capacity and observing precautionary principle the modes of utilization of the TRMBPA and all the resources found therein. Permits shall only be issued for such modes of utilization and enjoyment as the TRMB-PAMB and this Act shall allow.

SECTION 20. Utilization Permits and Users Fees.- The TRMB_PAMB shall have exclusive authority to issue permits and conditions thereto and determine and collect fees for the use and enjoyment of the TRMBPA and the resources therein; Provided, that the TRMB-PAMB may delegate to the TRMB-PASu the authority to issue permits and collect fees for temporary access to the TRMBPA, such as passage, visiting or diving, subject to the limits as may be determined by the TRMB-PAMB. Provided, however, that the entry into the TRMBPA for emergency reasons shall not be subject to permit or users fees.

SECTION 21. Energy and Non-Renewable Resources.- Any exploration, exploitation or use of non-renewable resources, such as minerals and oil, within the TRMBPA shall not be allowed. Energy projects shall be allowed only through an Act of Congress except those that generate energy from wind and sun or other clean renewable energy sources.

SECTION 22. Unauthorized Entry, Enjoyment or Use.- Except in emergency situations, it shall be unlawful to enter the strict protection zones within the TRMBPA without prior permission from the TRMB-PAMB or the TRMB-PASu as herein provided. It shall be unlawful to enter, enjoy or use for any purpose any management zone where such entry, enjoyment or use is prohibited. This rule shall be similarly apply to the use of vehicle, vessels, gears and equipment in management zones where such are not allowed.

Violation of this Section shall subject the responsible person or entity to an administrative fine of from (P10,000.00) TEN THOUSAND PESOS to (P50,000.00) FIFTY THOUSAND PESOS as may be determined by the TRMB-PAMB.

SECTION 23. Non-Payment of Users Fees.- It shall be unlawful for any person or entity to enjoy or utilize the TRMBPA and the resources therein without payment of users fees as may be imposed by the TRMB-PAMB.

Violation of this Section shall be penalized with an administrative fine or double the amount set by the TRMBPA-PAMB for the activity undertaken.

SECTION 24. Unauthorized Anchorage.- Except in emergency situations, it shall be unlawful for any person or entity to anchor outside the designated areas determined by the TRMBPA-PAMB.

Violation of this Section shall be penalized with an administrative fine or not less than (P20,000.00) TWENTY THOUSAND PESOS or not more than (P50,000.00) FIFTY THOUSAND PESOS without prejudice to the provisions of Section 22 thereof.

SECTION 25. Dumping of Waste and Littering.- It shall be unlawful for any person or entity to dump waste inside the TRMBPA. It shall likewise be unlawful to clean and change the oil of vessels within the TRMBPA.

Violation of this provision shall be punished with imprisonment of six (6) months to (1) year and a fine of not less than (P20,000.00) TWENTY THOUSAND PESOS and not more than P50,000.00 FIFTY THOUSAND PESOS and order the violator to clean up the waste or pay for the clean-up thereof.

It shall be likewise be unlawful to litter within the TRMBPA. Littering shall be penalized by the TRMBPA-PAMB with an administrative fine of (P5,000.00) FIVE THOUSAND PESOS to (P10,000.00) TEN THOUSAND PESOS.

SECTION 26. Bioprospecting without Permit.- It shall be unlawful to conduct bioprospecting within the TRMBPA.

Violation of this Section shall be punished with imprisonment of (6) six months to (6) six years; fine of (P250,000.00) TWO HUNDRED FIFTY THOUSAND PESOS to (P1,000,000.00) ONE MILLION PESOS; and forfeiture of the resources subject of these offense, and equipment, gears and vessels used. The TRMBPA-PAMB shall impose an administrative fine ranging from (P250,000.00) TWO 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. Introduction of Exotic Species.- It shall be unlawful to introduce exotic species of plants and animals in the TRMBPA.

Violation of this Section shall be punished with imprisonment of six (6) months to six (6) years; Fine of (P250,000.00) TWO HUNDRED FIFTY THOUSAND PESOS to (P1,000,000.00) ONE MILLION PESOS; and forfeiture of resources subject of the offense, and equipment, gears and vessels used. The TRMB-PAMB shall impose administrative fine ranging from (P250,000.00) TWO HUNDRED FIFTY THOUSAND PESOS to (P1,000,000.00) ONE MILLION PESOS; confiscation and forfeiture of the resources subject of the offense, and equipment, gears and vessels used.

SECTION 28. 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, father, remove, destroy, disturb, or possess any resources whether living or non-living or products derived from the TRMB-PAMB therefrom without permit from the TRMB-PAMB and such other permits as may be required by law, rules and regulations. The unauthorized entry of a vessel in the TRMBPA shall be prima facie evidence of violation of this Section.

Violation of this Section shall be punished as follows:

- a.) Where the offender uses explosives, noxious or poisonous substances or electricity, penalty shall be imprisonment ranging from (6) six years to (12) twelve years without prejudice to the filing of separate criminal cases when the use of the same results in physical injury or loss of human life; Fine ranging from (P50,000.00) FIFTY THOUSAND to (P150,000.00) ONE HUNDRED FIFTY THOUSAND PESOS; and the forfeiture of the resources subject of the offense, and equipment, gears and vessels used. The TRMB-PAMB shall also impose an administrative fine ranging from (P50,000.00) FIFTY THOUSAND PESOS to (P150,000.00) ONE HUNDRED FIFTY 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 TRMBPA shall constitute 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 with the TRMBPA of resources caught, taken, killed, removed, gathered or destroyed with the use of explosives, noxious or poisonous substance or by electricity shall constitute prima facie evidence of violation of this Act.

- b.) Where the offender merely possesses explosives, noxious or poisonous substances or electrofishing within the TRMBPA, the punishment shall be imprisonment ranging (6) six years to (12) twelve years; fine ranging from (P50,000.00) FIFTY THOUSAND PESOS to (P150,000.00) ONE HUNDRED FIFTY THOUSAND PESOS; forfeiture of fish catch, fishing equipment and vessels; The TRMB-PAMB shall also impose an administrative fine ranging from (P50,000.00) FIFTY THOUSAND PESOS to (P150,000.00) ONE HUNDRED FIFTY THOUSAND PESOS; and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.
- c.) Where the offender takes, removes, fishes, gathers, kills, destroys or possesses corals, except for scientific or research purposes authorized by the TRMBPA-PAMB, other laws, the Bureau of Fisheries and Aquatic Resources (BFAR) or 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) six years and (1) one day to (12) twelve years imprisonment; fine of not less than (P150,000.00) ONE HUNDRED AND FIFTY THOUSAND PESOS to (P500,000.00) FIVE HUNDRED THOUSAND PESOS; forfeiture of catch, fishing equipment, gears, vessels. The TRMB-PAMB shall also impose administrative fine ranging from (P50,000.00) FIFTY THOUSAND PESOS to (P150,000.00) ONE HUNDRED FIFTY THOUSAND PESOS; confiscation and forfeiture of corals subject of the offense, and equipment, gears and vessels used.

- d.) Where the offender takes, removes, fishes, gathers, kills, destroys or possesses corals, except for scientific or research purposes authorized by the TRMB-PAMB, the penalty shall be imprisonment ranging from (6) six years and (1) one day to (12) twelve years; fine ranging from (P30,000.00) THIRTY THOUSAND PESOS to (P100,000.00) ONE HUNDRED THOUSAND PESOS; forfeiture of the corals, equipment, gears and vessels. The TRMB-PAMB shall also impose an administrative fine ranging from (P30,000.00) THIRTY THOUSAND PESOS to (P100,000.00) ONE HUNDRED THOUSAND PESOS; and confiscation and forfeiture of the corals subject of the offense, and the equipment, gears and vessels used.
- e.) Muro-Ami, Pa-Aling, all kinds of trawls (galadgad, Norway), purse seine, (pagulong), Danish seine (hulbot-hulbot, likisan, liba-liba, palisot, patangko, birabira, buli-buli, hulahoop, zipper, lampornas) ring net (kubkob, pagulong, kalansisi), drive-in net (kayakas), round haul seine (sapyaw, lawag), motorized push net (sudsod), bagnet (basing, saklit) or other variations (Hukot) are hereby declared destructive fishing methods or gears under this provision.
- f.) Where the offender gathers or removes pebbles, stones, rocks, sand or other materials that form part of the habitat, or otherwise engages in quarrying or dredging of any portion of the TRMBPA, the penalty shall be (6) years and (1) day to (12) twelve years imprisonment; fine of not less than (P50,000.00) FIFTY THOUSAND PESOS to (P500,000.00) FIVE HUNDRED THOUSAND PESOS; and forfeiture of the substance taken from the habitat, and the equipment and vessels used to commit such violation. The TRMB-PAMB shall also impose an administrative fine ranging from (P50,000.00) FIFTY THOUSAND PESOS to (P700,000.00) SEVEN HUNDRED THOUSAND PESOS; and confiscation and forfeiture of the substance taken, and equipment and vessels used in the commission of the violation.
- g.) 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) twenty years; fine of (P150,000.00) ONE HUNDRED FIFTY THOUSAND PESOS to (P1,000,000.00) ONE MILLION PESOS for every threatened organism subject of the offense; forfeiture of the catch, equipment, gears and vessels; cancellation of fishing permit. The TRMB-PAMB shall impose an administrative fine ranging from (P150,000.00) ONE HUNDRED FIFTY THOUSAND to (P1,000,000.00) ONE MILLION PESOS for every threatened or endangered organism subject of the offense; confiscation and forfeiture of catch, equipment, gears and vessels used.

SECTION 29. Poaching by Foreigners.- It shall be unlawful for any foreign person, Corporation or entity to fish or operate any fishing vessel in the TRMBPA. The entry of any foreign fishing vessel in the TRMBPA 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 and (1) one day to (12) twelve years and a fine of (\$100,000.00) ONE HUNDRED THOUSAND US 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 TRMBPA-PAMB is empowered to impose an administrative fine of not less than (\$50,000.00) FIFTY THOUSAND US DOLLARS but not more than (\$200,000.00) TWO HUNDRED THOUSAND US DOLLARS or its equivalent in Philippine Currency, in addition to the confiscation and forfeiture of fish catch, fishing equipment and fishing vessel. Provided, finally, that a bond may be posted for the vessels which shall be not less than (\$100,000.00) ONE HUNDRED THOUSAND US DOLLARS.

SECTION 30. Violation of Environmental Impact Assessment System.- The TRMB-PAMB shall prosecute violators of laws and rules of the Environment Impact Assessment System. Such violations shall be punished by imprisonment of (3) three years to (5) five year; fine of (P100,000.00) ONE HUNDRED 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. If the offender is a corporation, the directors and officers shall suffer the imprisonment. The TRMBPA-PAMB shall impose an administrative fine of (P100,000.00) ONE HUNDRED THOUSAND PESOS for every day that each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and confiscation and forfeiture of the vessels, structures, effects, materials and equipment used and the products of such violation.

SECTION 31. Violation of Standards.- The owner, operator and top three (3) officers of any vessel violating the standards set by the TRMBPA-PAMB, such as, but not limited to, safety and sanitary standards, shall suffer administrative penalty of fine ranging from (P30,000.00) THIRTY THOUSAND PESOS to (P50,000.00) FIFTY THOUSAND PESOS for every day each violation subsists and from suspension of three (3) months to cancellation of permit to operate in the TRMBPA.

SECTION 32. Obstruction of Law Enforcement Officer.- The boat owner, master, operator, officer or any person acting on his/her behalf of any vessel who evades, obstructs or hinders any law enforcement officer in the TRMBPA to perform his/her duty shall be fined (P30,000.00) THIRTY THOUSAND PESOS. In addition, the registration, permit and/or license of the vessel including the license of the officers thereof shall be cancelled.

SECTION 33. Promulgation of Rules and Regulations.- The TRMBPA-PAMB may issue rules and regulations, including imposition of penalties, in pursuit of the conservation, preservation, management and sustainable development of the TRMBPA. Provided, that such rules and regulations shall be consistent with this Act.

SECTION 34. Fines and Forfeitures.- All criminal fines and forfeitures that may be imposed by the courts and the administrative fines and forfeitures that may be imposed by the TRMBPA-PAMB 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 the TRMB-PAMB and shall form part of the funds and assets of the TRMBPA.

SECTION 35. Enforcement of this Act, other Laws, Rules and Regulations within the TRMBPA.- The Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), Philippine Coast Guard (PCG), the law enforcement officer of the DENR and DA-BFAR, LGU Officials, law enforcement officers of LGU's, members and officers of the TRMBPA-PAMB, the TRMB-PASu and his/her staff, and other government enforcement agencies, are hereby authorized to enforce this Act and other laws, rules and regulations within the TRMBPA.

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

Any one of the above persons and entities is authorized to file administrative cases before the proper agencies, and bodies or initiate criminal proceedings in accordance with the Rules of Court, for offenses committed within the TRMBPA.

SECTION 36. Inspection Powers.- The TRMBPA-PASu and all law enforcers shall have the power to stop, board, search and inspect all vessels within the TRMBPA for the purpose of enforcing the provisions of this Act and other laws, rules and regulations.

SECTION 37. Coordination Between TRMBPA-PAMB/TRMB-PASu and Law Enforcement Agencies.- The TRMBPA-PAMB and the TRMB-PASu shall coordinate with all law enforcement arms and agencies of government to ensure effective enforcement of the provisions of this Act and other applicable laws, rules and regulations within the TRMBPA. The AFP, PNP, PNP-Maritime Command, PCG, law enforcement officers of the DENR, DA-BFAR and concerned LGU's shall cooperate with the TRMBPA-PAMB and the TRMB-PASu 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 six months after the effectivity of this Act.

SECTION 38. Special Prosecutors and Counsels.- The Department of Justice (DOJ), upon the recommendation of the TRMBPA-PAMB, shall designate special prosecutors, either or both from among state and public prosecutors to do preliminary investigation and prosecute violations of this Act and other laws, rules and regulations within the TRMBPA. Such special prosecutors shall coordinate with the TRMBPA-PAMB and the TRMB-PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The TRMBPA-PAMB shall periodically submit an evaluation of the performance of the designated special prosecutors to the DOJ.

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

SECTION 39. 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:

- a.) Any person who violates or fails to comply with the provisions of this Act its implementing rules and regulations; or
- b.) Those persons mandated to implement and enforce the provisions of this Act with respect to orders, rules and regulations issued inconsistent with this Act, and/or
- c.) Any public officer who willfully or grossly neglects 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 his 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 thirty (30) 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 the plaintiff from 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 40. 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 39 of this Act or against any person, institution or government agency that implements this Act, it shall be 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 recourse 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.

This 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 in the course of enforcing this Act.

SECTION 41. Convening the TRMBPA-PAMB.- Within one (1) month upon the effectivity of this Act, the interim TRMBPA-PAMB shall convene to ensure that its composition and structure conform with the provisions of this Act.

SECTION 42. Continuation of all Other Arrangements.- Except when otherwise provided by this Act, all arrangements, commitments and agreements pertaining to the management, utilization, conservation and protection of the TRMBPA made and entered into by government agencies, the present TRMBPA-PAMB and the Philippine Navy and the Philippine Coast Guard, shall continue to subsist until validly amended, revised, repealed or renewed.

SECTION 43. Appropriation.- For the purpose of this Act, there is hereby appropriated the amount of (P1,000,000.00) ONE MILLION PESOS annually for the first (5) years of implementation of this Act, after which the TRMBPA 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 and other government agencies.

SECTION 44. Construction and Suppletory Application of Existing Laws.- The provisions 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 inconsistent hereto shall have suppletory effect in the implementation of this Act.

SECTION 45. Separability 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 46. Repealing Clause.- All laws, presidential decrees, executive orders, rules and regulations inconsistent with this Act shall be deemed repealed or modified accordingly.

SECTION 47. Effectivity.- This Act shall take effect immediately after its complete publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved.