



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
Second Regular Session



HOUSE BILL NO. 8335

Introduced by Representative MA. LUCILLE L. NAVA, M.D.

EXPLANATORY NOTE

Guimaras has one protected area under the National Integrated Protected Area System (NIPAS) as amended by Expanded National Integrated Protected Area System Act of 2018, the Taklong Island National Marine Reserve (TINMR). Located in the Municipality of Nueva Valencia at the southern tip of the island, TINMR covers 46 islets and the coastline barangays of La Paz and San Roque (Presidential Proclamation No. 525 s.1990). It has an aggregate area of approximately 1,143.45 hectares consisting of 183.0000 hectares of terrestrial area and 960.45 hectares of brackish and marine water.

TINMR is rich in biodiversity. It prides itself with 64 species of birds, 16 species of reptiles, 8 species of mammals, 114 species of hard corals, 17 species of soft corals, 9 species of seagrasses and 26 species of mangroves including *Rhizophora x lamarckii* which can be found only in Guimaras, Bohol and Masbate. The islets are covered with indigenous plant species such as Molave, Magtalisay, Pandan Dagat, Kamachile, Batino, Passi, Duhat and Pitogo. Among the mangrove forests are Bacauan spp., Avicennia spp. such as Api-api and Bungalon, Pagatpat and Bantigue. Wildlife species found in the area are: Island Flying Fox, Western Visayas Water Monitor and bird species that include Philippine Pied Fantail, Yellow-vented Bulbul, Olive-backed Sunbird, Pink-necked Green Pigeon, Pied Triller, White-collared Kingfisher, Asian Glossy Starling, Buff-eared Brown Dove, Large-billed Crow, Blue Rock Thrush, Common Emerald Dove, White-breasted Woodswallow, Philippine Coucal, Philippine Night Jar and Black-naped Tern. Among these birds are some threatened species such as the Philippine Megapode or Tabon Scrub Fowl which is often observed foraging and laying eggs in Taklong and in Apugan Islands with their nesting sites sighted in Kaliruhan. Notable also is the presence of the endemic Philippine Ducks or *Anas luzonica* especially in the early morning at Suba Malawig mangrove area. The islets are also covered with secondary growth and indigenous plant species and some planted trees and agricultural crops by previous settlers.

TINMR was placed under protected area status by virtue of Presidential Proclamation No. 525 signed by then President Corazon C. Aquino on February 8, 1990. Prior to its proclamation, the area was categorized as unclassified public forest. Currently, the Protected Area Management Board (PAMB), based on the National Review, proposed the Marine Reserve to be renamed as Taklong and Tandog Group of Islands Natural Park.

It is for this reason that we seek for the approval of this bill.

MA. LUCILLE L. NAVA, MD



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HOUSE BILL NO. **8335**

Introduced by Representative MA. LUCILLE L. NAVA, M.D.

AN ACT FOR THE ESTABLISHMENT AND MANAGEMENT OF TAKLONG ISLAND NATIONAL MARINE RESERVE IN THE MUNICIPALITY OF NUEVA VALENCIA, PROVINCE OF GUIMARAS AS FULL COMPONENT OF THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), AS AMENDED BY EXPANDED NATIONAL INTEGRATED PROTECTED AREA SYSTEM ACT OF 2018, TO BE RENAMED AS TAKLONG AND TANDOG GROUP OF ISLANDS NATURAL PARK (TTGINP) PURSUANT TO REPUBLIC ACT 11038 OR THE ENIPAS ACT OF 2018, PROVIDING FUNDS FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the “*Taklong and Tandog Group of Islands Natural Park Act of 2021*”.

SECTION 2. *Declaration of Policy.*– Considering the diversity of the unique biological resources of Taklong And Tandog Group of Islands Natural Park (TTGINP) and its aesthetic, educational, socio-cultural, economic and ecological importance of Taklong and Tandog Group of Islands Natural Park, it is hereby declared the policy of the State to ensure its protection and conservation including the local communities therein and their cultural way of life in so far as they are in harmony with nature.

In so doing, the State shall ensure the full implementation of this Act, the mobilization of resources for the institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems and cultural practices.

73 SECTION 3. *Definition of Terms.* – For purposes of this Act, the following terms are

74 defined as follows:

- 75 (a) *"Biodiversity"* refers to the variety and variability among living organisms and
76 the ecological complexes in which said organisms occur;
- 77 (b) *"Biological resources"* include genetic resources, organisms or parts thereof,
78 population, or any other biotic component of ecosystems with actual or potential
79 use or value for humanity;
- 80 (c) *"Bioprospecting"* refers to the research, collection and utilization of biological
81 and genetic resources for purposes of applying the knowledge derived therefrom
82 solely for commercial purposes;
- 83 (d) *"By-products or Derivatives"* refers to any part taken or substance extracted from
84 wildlife, in raw or in processed form. This includes stuffed animals and
85 herbarium specimens;
- 86 (e) *"Buffer zones"* are identified areas outside the boundaries of and immediately
87 adjacent to designated protected areas pursuant to Section 8 that need special
88 development control in order to avoid or minimize harm to the protected area;
- 89 (f) *"Collection"* or *"Collecting"* refers to the act of gathering or harvesting wildlife,
90 its by-products or derivatives;
- 91 (g) *"Conservation"* refers to the sustainable utilization of wildlife, and/or
92 maintenance, restoration and enhancement of the habitat;
- 93 (h) *"Ecosystem"* refers to the dynamic complex of plant, animal and microorganism
94 communities and their non-living environment interacting as a functional unit;
- 95 (i) *"Endemic Species"* refer to the species or subspecies of flora and fauna which are
96 naturally occurring and found only within specific areas in the country;
- 97 (j) *"National Integrated Protected Area System Act"* refer to an Act declaring
98 Protected Areas and Providing for Their Management, Amending for this Purpose
99 RA 7586.
- 100 (k) *"Exotic Species"* refer to the species or subspecies of flora and fauna which do
101 not naturally occur within the protected area at present or in historical time;
- 102 (l) *"Exploitation"* refers to any mode of use, extraction, development, utilization or

disposition of resources, for whatever purpose, whether commercial or otherwise;

(m) "*Exploration*" refer to the searching or prospecting for mineral resources, as defined by law, by geological, geochemical 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 mining them for profit;

(n) "*Genetically Modified Organisms (GMOs)*" refer to organisms, with the exception of human beings, in which the genetic material has been altered in a way that does not occur naturally by mating and/or natural combination;

(o) "*Habitat*" refers to a place or type of environment where species or subspecies naturally occurs or has naturally established its population;

(p) "*Hunting*" refers to the collection of wild fauna for food and/or recreational purposes with the use of weapons such as guns, bow and arrow, spear and the like;

(q) "*Management Board*" refers to the Management Board of the Taklong and Tandog Group of Islands Natural Park (TTGINP);

(r) "*Management Plan*" refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the TTGINP in order to attain the objectives of this Act;

(s) "*Mineral*" refers to all naturally occurring inorganic substance in solid, gas, liquid, or any intermediate state excluding energy materials such as coal, petroleum, natural gas, radioactive materials, and geothermal energy;

(t) "*Multiple-Use Zone*" pertains to the management zone of protected area where traditional and/or sustainable land-use including agriculture, agro-forestry, use of coastal resources, mariculture and other income generating or livelihood activities may be allowed consistent with the Management Plan. It also includes areas of high recreational ecotourism, educational or environmental awareness values and areas with existing installations of national significance/interest such as facilities/structures for renewable energy and telecommunication, among others;

- (u) "*National Integrated Protected Areas System (NIPAS)*" is 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;
- (v) "*Natural park*" is a relatively large area not materially altered by human activity where extractive resource uses are not allowed and maintained to protect outstanding natural biodiversity and scenic areas of national or international significance for scientific, education and recreational use;
- (w) "*NIPAS Act*" refers to the National Integrated Protected Areas System (NIPAS) Act of 1992 or Republic Act No. 7586, and its implementing rules and regulations;
- (x) "*Non-Governmental Organization (NGO)*" refers to the agency, institution, foundation or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing;
- (y) "*Non-renewable energy resources*" refer to those natural resources within protected areas which, if used, will be depleted and cannot be replenished in a timescale relevant to human beings such as fossil fuels, like coal, oil, petroleum, and natural gas;
- (z) "*People's Organization (PO)*" refers to the group of organized communities which may be an association, cooperative, federation, or other legal entity, established to undertake collective action to address community concerns and needs, and mutually share the benefits of the endeavor;
- (aa) "*Protected Area*" refers to the identified portions of land and/or water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- (bb) "*Protected Area Management Board (PAMB)*" refers to the multi-sectoral policy-making body created in accordance with the NIPAS Act of 1992;

- (cc) *"Protected Area Superintendent (PASu)"* refer to the Chief Operating DENR Officer of the protected area;
- (dd) *"Protected Landscape/Seascape"* are areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas;
- (ee) *"Quarrying"* refers to the process of extracting, removing and disposing quarry resources found on or underneath the surface of private or public land;
- (ff) *"Special Uses"* include activities and/or developments such as ecotourism, camp sites, communication, transmission, scientific monitoring stations/facilities, irrigation canals or waterways, rights of way, aquaculture, agro-forestry and forest plantations, among others, that may be allowed in the multiple use and buffer zones of the protected areas provided they are consistent with the IPAP or Management Plan;
- (gg) *"Strict Protection Zone"* pertains to the management zones of protected areas consisting of natural areas with high biodiversity value which shall be closed to all human activities except for scientific studies and/or ceremonial or religious use by the indigenous cultural communities/indigenous peoples (ICCs/IPs). It may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration;
- (hh) *"Taklong and Tandog Group of Islands Natural Park Fund"* shall refer to the trust fund to be established for the purpose of financing the projects in the TTGINP;
- (ii) *"Tenured migrant communities"* are communities within protected areas which have actually and continuously occupied such areas for five (5) years before the designation of the same as protected areas in accordance with this Act and are solely dependent therein for subsistence;
- (jj) *"Threatened Species"* shall refer to species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of

193 wildlife whose population is at risk of extinction; and
 194 (kk) "Wildlife" shall refer to the wild forms and varieties of flora and fauna, in
 195 all developmental stages, including those which are in captivity or are being bred
 196 or propagated.

197 (ll) "Wildlife sanctuary" comprises an area which assures the natural conditions
 198 necessary to protect nationally significant species, groups of species, biotic
 199 communities or physical features of the environment where these may require
 200 specific human manipulation for their perpetuation.

201 SECTION 4. *Scope and Coverage.*— The boundaries of the Taklong and Tandog
 202 Group of Islands Natural Park, which falls under the category of Natural Park as defined
 203 herein based on the survey conducted by the Land Evaluation Party (LEP), DENR Region 6
 204 in CY 2011, validated by the National Mapping and Resources Information Authority
 205 (NAMRIA) in CY 2012, within the Municipality of Nueva Valencia, in the Province of
 206 Guimaras, are as follows:

Beginning at a point marked "1" on Forestland Boundary Map, being S 13°57'00" E, 4167.1012 m. From GUIM 3061; (PRS 92 Control Point; Latitude 10°28'13.97"N, Longitude 122°30'2.17"E) Municipality of Nueva Valencia, Province of Guimaras.			
,thence	S 45°22'41" E	87.8373	to corner 2
,thence	N 86°28'05" E	86.9271	to corner 3
,thence	S 54°43'48" W	32.8058	to corner 4
,thence	S 29°53'14" E	78.6360	to corner 5
,thence	S 41°20'30" W	34.0777	to corner 6
,thence	S 15°33'21" W	202.6035	to corner 7
,thence	S 86°34'40" W	224.8830	to corner 8
,thence	S 15°27'21" W	239.2172	to corner 9
,thence	S 09°46'01" W	277.8210	to corner 10
,thence	N 76°31'39" E	139.3321	to corner 11
,thence	S 89°30'18" E	154.1477	to corner 12
,thence	S 17°02'33" E	262.3641	to corner 13
,thence	S 63°04'51" W	218.8625	to corner 14
,thence	S 14°39'36" W	133.8631	to corner 15
,thence	S 54°21'02" E	102.4084	to corner 16
,thence	N 43°18'17" E	170.2702	to corner 17
,thence	S 78°00'56" E	159.8163	to corner 18
,thence	N 17°50'12" E	243.4185	to corner 19
,thence	S 73°17'02" E	118.8002	to corner 20
,thence	S 34°28'16" W	25.3430	to corner 21
,thence	S 61°20'02" E	85.8494	to corner 22
,thence	N 68°51'42" E	55.9315	to corner 23
,thence	S 15°47'51" W	51.0284	to corner 24
,thence	S 40°37'48" E	105.1427	to corner 25
,thence	S 03°55'35" W	71.2803	to corner 26
,thence	S 56°23'24" W	36.0808	to corner 27
,thence	S 38°18'46" W	58.5622	to corner 28
,thence	S 08°30'56" E	95.0580	to corner 29

,thence	S 02°44'15" W	245.9197	to corner 30
,thence	S 89°21'55" W	182.3492	to corner 31
,thence	S 43°50'27" W	280.9160	to corner 32
,thence	S 11°35'44" W	103.9721	to corner 33
,thence	S 15°30'23" W	100.9848	to corner 34
,thence	S 38°44'23" E	79.4953	to corner 35
,thence	S 68°22'53" E	58.8399	to corner 36
,thence	S 71°50'27" E	148.3211	to corner 37
,thence	N 60°35'39" E	82.5641	to corner 38
,thence	S 28°27'55" E	92.2962	to corner 39
,thence	S 33°21'15" W	221.8112	to corner 40
,thence	S 03°43'11" E	152.3931	to corner 41
,thence	S 11°57'19" E	119.4388	to corner 42
,thence	N 49°48'42" E	125.7460	to corner 43
,thence	N 71°32'29" E	217.6314	to corner 44
,thence	S 46°05'14" E	253.1644	to corner 45
,thence	DUE SOUTH	826.0000	to corner 46
,thence	DUE NORTH	3650.0000	to corner 47
,thence	DUE WEST	3636.0000	to corner 48
,thence	S 89°51'28" E	2785.4300	to corner 1
the point of beginning covering a total area of One Thousand One Hundred Forty-Three and 566/1000 (1,143.566) hectares more or less, subject to future ground delineation.			

The Department of Environment and Natural Resources (DENR) shall appropriately mark on the ground the technical descriptions provided in this Act with clearly visible markers and shall prepare appropriate maps thereof. Any modification in the boundaries not previously taken into account due to such factors as changing ecological situations, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an Act of Congress, after consultation with the affected public and concerned government agencies.

SECTION 5. *Land Classification.* – All lands comprising the TTGINP shall fall under the classification of National Park as provided for in the 1987 Philippine Constitution.

SECTION 6. *Management Zones.* – Based on the National Integrated Protected Areas System (NIPAS) Act of 1992 or the Republic Act 7586 as amended by Republic Act 11038, only two zones shall be established in a Protected Area: The Strict Protection Zone (SPZ) and the Multiple Use Zone (MUZ). The MUZ could be further divided into sub-zones in consonance with the management plan.

SECTION 7. *Buffer Zone* –Buffer zone(s) surrounding the TTGINP shall be established, when necessary, pursuant to the ENIPAS Act and its Implementing Rules and Regulations for the purpose of providing an extra layer of protection around the area, where restrictions can apply and communities can assist in repealing threats to the protected area.

The establishment of the buffer zone shall follow the same manner for the establishment of protected area as provided for in the ENIPAS Act. Such buffer zone(s) may include public or private lands and/or municipal waters. Management prescriptions for the buffer zones shall be included as a component of the protected area Management Plan. Rights over private lands within established buffer zones shall be recognized and respected consistent with the Management Plan.

SECTION 8. *Management Plan.*-There shall be a Management Plan promulgated for the TTGINP pursuant to Section 9 of the ENIPAS Act and its Implementing Rules and Regulations (DAO 2019-05) that shall serve as the basic long-term framework plan in the management of the protected area and guide in the preparation of its annual operations plan and budget.

Within one (1) year from the effectivity of this Act, the Protected Area Management Plan (PAMP) shall have been put into effect following the general management planning strategy provided for under the ENIPAS Act and according to the procedure herein set forth.

SECTION 9. *Management of the Taklong and Tandog Group of Islands Natural Park.*- A Protected Area Management Board (PAMB) shall be created with jurisdiction, power and authority over the TTGINP for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of:

- (a) The Regional Executive Director (RED) of DENR, Region 6 as Chairperson;
- (b) The Governor of the Province of Guimaras as the co-chairperson or his duly designated representative;
- (c) The District Representative of the Congressional District where the Protected Area is located or his/her duly designated representative, unless the District Representative declines membership in the PAMB;
- (d) The Mayor of the Municipality of Nueva Valencia in the Province of Guimaras or his/her duly designated representative;
- (e) The Punong Barangay of Barangay La Paz, Nueva Valencia, Guimaras;
- (f) The Punong Barangay of Barangay San Roque, Nueva Valencia, Guimaras;
- (g) Regional Directors of the following government agencies namely, Department of Agriculture, National Economic and Development Authority (NEDA), Department of

Science and Technology (DOST), Philippine National Police (PNP), and the Department of National Defense (DND) or their duly designated representative;

(h) Three (3) representatives from either non-government organizations (NGOs) or People's Organization (PO) duly endorsed by the Barangay and accredited by DENR, Municipal and Provincial Governments. The NGO or PO represented should have been in existence for at least five (5) years and with track records in/or related to the protected area management of the TTGINP;

(i) One (1) representative from an academic institution, preferably from any University or College in the Province where the Protected Area is located, with proven track record in/or related to Protected Area Management;

(j) One representative from the private sector, preferably a resident of the province where the Protected Area is located, who is distinguished in a profession or field of interest relevant to the Protected Area Management.

Ex officio members or member of the PAMB by virtue of their elected or appointive government positions as specified in the immediately preceding sub-paragraph (a), (b), (c), (d), (e) & (f), shall serve for the duration of their respective terms of office in their respective elective or appointive government positions.

On the other hand, the member of the PAMB specified in the subparagraphs (h), (i), (j) of this section, shall be appointed by the DENR Secretary after the conduct of a transparent and fair selection process. They shall each serve a term of three (3) years and may be reappointed for another term.

The members of the PAMB shall serve without compensation except for the actual and necessary travelling and subsistence expenses incurred in the performance of their duties, either in their attendance in meetings of the PAMB or in connection with other official business authorized through a resolution of the PAMB, subject to existing rules and regulation. Each member shall have the full capacity and accountability for decisions binding to the member's sector.

The PAMB members duly appointed prior to the effectivity of this Act shall continue their term until the expiration of their appointment. Thereafter, members of the management board shall be appointed in accordance with the provisions of this Act: Provided That the

Regional Director of the DENR shall ensure that the relevant members of the PAMB are duly appointed by the DENR Secretary: *Provided*, that at least forty percent (40%) of the PAMB members shall be comprised of women pursuant to Republic Act No. 9710 or the Magna Carta of Women and its Implementing Rules and Regulations.

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

- (a) More than three (3) consecutive unexcused absences during regularly scheduled meetings of the Management Board;
- (b) Commission of acts prejudicial to the management of protected areas as embodied in Section 20 of the ENIPAS Act or other existing rules and regulations 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.

The PAMB en banc may, thru the issuance of a resolution, by a majority vote of members present in a quorum, at a meeting for such purpose, create the following committee;

- i. Technical Working Committee's which may include the following;
 - 1. Committee on Biodiversity Conservation and Monitoring;
 - 2. Project Development Committee;
 - 3. Committee on Sustainable Financing;
 - 4. Committee on Law Enforcement and Adjudication; and
 - 5. Committee on Community Management and External Communication & Public Information.

SECTION 10. *Powers and Functions of the PAMB.* – The PAMB of the TTGINP, which shall decide by majority vote of the members present constituting a quorum of all the members; *Provided*, a quorum shall compose the fifty percent plus one of all members. The PAMB shall have the following powers and functions in addition to those provided under the ENIPAS Act of 2018 and its Implementing Rules and Regulations:

- (a) Oversee the management of the Protected Area;

- (b) Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected area;
- (c) Approve the management plan of the protected area and ensure its harmonization and integration with the Ancestral Domains Sustainable Development and Protection Plan (ADSDPP), and land-use plan and other development plan, public or private, and its implementation;
- (d) Adopt a manual of operations to include rules of procedures in the conduct of business, and the creation of committees and their respective terms of reference;
- (e) Recommend the deputation of appropriate agencies and individuals for the enforcements of the laws, rules and regulations governing the management of the protected area;
- (f) Allocate financial resources for the implementation of the management plan, and the Protected Area-Retention Income Account (PA-RIA) and other funds in accordance with the accounting and budgeting rules and regulations;
- (g) Set fees and charges in accordance with existing guidelines;
- (h) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;
- (i) Recommend appropriate policy changes to the DENR and other government authorities;
- (j) Monitor and assess the performance of the Protected Area Superintendent (PASu) and other protected area personnel, and compliance of partners with the terms and conditions of any undertakings, contract or agreement;
- (k) Recommend from a long and short list of qualified candidates, the designation or appointment of the PASu;
- (l) Assess the effectiveness of the management of the protected area, provided that the members of the management board, representing the LGUs and national agencies in the PAMB shall inform their respective constituents offices or sectors of PAMB approved or other relevant rules and regulation, 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

346 respective plans, policies, programs and projects. Failure to comply with the
347 foregoing shall be the basis for disciplinary actions against such member
348 according to administrative rules and regulations and such penalties as the PAMB
349 may provide: Provided, further, that the DENR, through the Regional Executive
350 Director shall ensure that the PAMB acts within its scope of its powers and
351 functions. In case of the conflicts between the resolution issued by the PAMB and
352 existing administrative orders of national publications, the latter shall prevail.

353 SECTION 11. *The Protected Area Management Office (PAMO).* – There is hereby
354 established a Protected Area Management Office for TTGINP, to be headed by a Protected
355 Area Superintendent (PASu) with a permanent plantilla position who will supervise the day
356 to day management, protection, and administration of the protected area. A sufficient number
357 of support staff with permanent plantilla position shall be appointed by the DENR to assist
358 the PASu in the management of the protected area.

359 The PASu shall be primarily accountable to the PAMB and the DENR for the
360 management and operations of the protected area. Pursuant thereto, the PASu shall have the
361 following duties and responsibilities:

- 362 (a) Prepare the management plan, in consultation with the stakeholders including
363 the annual work and financial plan and ensure its implementation;
- 364 (b) Ensure integration of the protected area management plan, programs, projects
365 and policies with relevant national and LGU's plans and programs;
- 366 (c) Provide secretariat services to the PAMB and its committees and ensure the
367 availability of relevant and timely information for decision-making;
- 368 (d) Formulate and recommend to the PAMB proposed policies, programs, rules, and
369 regulations;
- 370 (e) Establish, operate and maintain a database management system, which shall be
371 an important basis for decision-making;
- 372 (f) Enforce the laws, rules and regulations relevant to the protected area and
373 institute administrative and legal actions in collaboration with other government
374 agencies or organizations and assist in the prosecution of offenses committed in
375 violation of this Act;

- (g) Monitor, evaluate and report the implementation of management activities of the protected area;
- (h) Request for and receive any technical assistance, support or advise from any agency or instrumentality of the government as well as academic institutions, NGOs, and the private sector, as may be necessary for the effective management, protection and administration of the protected area;
- (i) Issue permits and clearances for the activities that implement the management plan and other permitted activities in accordance with terms, conditions, and criteria established by the 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;
- (j) Collect or receive pertinent fees, charges, donations and other income from the protected area: Provided that such fees, charges, donations, and other income collected/received shall be reported regularly to the PAMB and the DENR in accordance with existing guidelines;
- (k) Prepare and recommend to the PAMB approval of the Annual Work and Financial Plan of the protected area based on the management plan;
- (l) Performs such other functions as the PAMB and DENR may assign.

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

The PAMO shall have a complement staff, supported by field officers, who shall be performing the day to day management, protection and administration of the TTGINP.

PAMO shall be equipped with the necessary personnel component, as follows:

Technical Staff:

- 1 (one) Protected Area Superintendent
- 1 (one) Deputy Protected Area Superintendent
- 1 (one) Ecosystem Management Specialist I
- 1 (one) Marine Biologist I
- 1 (one) Forester I
- 1 (one) Tourism Officer I
- 1(one) Park Maintenance Foreman
- 2 (two) Community Development Officers/Extension Officers
- 1 (one) Mechanical Technician

411
412 Field Staff:
413 8 (eight) Park Wardens
414 2 (two) Boatswains/Boatman
415 2 (two) Boat Captain/Operators
416
417 Administrative Section:
418 2 (two) Administrative Aide VI
419 1 (one) Collecting Officer
420 3 (three) Utility Workers
421

422 *Provided* that in the appointment of all the PAMO staff, priority shall be given to
423 qualified residents of Nueva Valencia, Guimaras giving special priority to residents of Brgy.
424 San Roque and Brgy. Lapaz, Nueva Valencia: *Provided*, that the applicant/appointee
425 possesses the minimum qualifications for the positions as required by law.

426 *Provided further*, that if there are no qualified applicants from Nueva Valencia to
427 vacant positions, priority shall be given to other qualified applicants from other
428 Municipalities of Guimaras.

429 Upon recommendation of the PAMB, the DENR Regional Director shall deputize
430 local community leaders and environment and natural resources officers.

431 SECTION 12. *Integrated Protected Area Fund of the Taklong and Tandog Group of*
432 *Islands Natural Park.* – The Integrated Protected Area Fund (IPAF) shall be established as a
433 trust fund and shall be disbursed solely for the protection, maintenance, administration and
434 management of TTGINP and the System.

435 Income generated from the operation and management of the protected area shall
436 accrue to the TTGINP-IPAF. The income shall be derived from fees and charges from the use
437 of resources and facilities of protected area; Contributions from industries and facilities
438 directly benefitting from the protected area; and such other fees and income derived from the
439 operations of the protected area.

440 Based on the Implementing Rules and Regulations of the Republic Act No. 10629,
441 twenty-five percent (25%) of the funds collected shall be remitted to the IPAF Special
442 Account in the General Fund (SAGF) while seventy-five percent (75%) shall form part of
443 TTGINP Retention Income Account (RIA) which shall be solely disbursed for its use.

444 The TTGINP Retention Income Account shall likewise be exempted from being
445 deposited in the National Treasury and shall be made readily available for disbursement upon

proper approval of the PAMB and the DENR, subject to the usual accounting and auditing rules and regulations.

The TTGINP Fund, further, may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system, and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations: *Provided, further*, That the Retained Income Account shall not be used to cover expenditures for personal services.

The PASu or DENR-Provincial Environment and Natural Resources Office/Regional Office through the DENR-BMB shall submit, either in printed form or by way of electronic document, to the Department of Budget and Management copy furnished the House Committee on Appropriations and the Senate Committee on Finance, quarterly reports on the financial and physical accomplishments on the utilization of said amount including the list of projects and activities and their corresponding amounts of the TTGINP.

SECTION 13. *Existing Facilities Within the Taklong and Tandog Group of Islands Natural Park.*— Within sixty (60) days from the effectivity of this Act, existing facilities such as roads, buildings and structures, water systems, transmission lines, communication facilities, heavy equipment, and irrigation facilities existing within the boundaries of the TTGINP shall be inventoried and project descriptions shall be submitted to the PAMB through the PASu.

The DENR Regional Executive Director shall submit the inventory of facilities with corresponding descriptions and assessment report containing the appropriate recommendations to the DENR Secretary through the BMB.

The PAMB, with the assistance of the DENR, shall determine whether the existence of such facility including its future plans and operations will be detrimental to the TTGINP or whether conditions for its operation shall be imposed. If any conditions, set forth by the PAMB are violated, the owner of the facility shall be liable to pay a fine of Fifty thousand pesos (P50,000.00) daily for every violation. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), the PAMB through the PASu, and other deputized government

entities, shall cause the cessation of operation, and either the forfeiture in favor of the PAMO or demolition of the facility at the cost of its owner. If the facility found to be detrimental to the TTGINP is government owned, the agency in charge shall submit a plan for a substitute facility that complies to the Protected Area standards and within one year shall comply with the provisions stipulated in the approved Protected Area Management Plan.

Existing facilities allowed to remain within the TTGINP may be charged with a reasonable fee by the PAMB or shall be subjected to Special Agreement on Protected Areas (SAPA). All fees shall accrue to the TTGINP Fund.

SECTION 14. *Renewable and Nonrenewable Resources.* – Any exploration and exploitation or utilization of non-renewable and renewable resources including mining within the TTGINP shall not be allowed.

SECTION 15. *Damages to Reef and other Coastal Resources.* – Damages to the reef and other coastal resources of TTGINP cause by oil spill and other damaging incidents as defined in Republic Act 9483 of 2007 and ship grounding incidents within the jurisdiction of TTGINP shall subject the responsible person or entity to the payment of administrative fines based on the value of the damaged ecosystems and resources and to the payment of rehabilitation and restoration cost, as may be determined by an economic valuation of the ecosystem services of TTGINP and the Management Board.

SECTION 16. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations in the TTGINP shall be assigned. Such special prosecutor shall coordinate with the PAMB and PASu in the performance of his/her duties and assist in the training of wardens and rangers in the conduct of arrest and criminal procedures. The PAMB may retain the services of counsel to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor and to defend the members of the PAMB, the PASu and the staff, or any person assisting in the protection, conservation and sustainable development of the TTGINP, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the PAMB.

SECTION 17. *Local Government Units.* – The local government units (LGUs) within

the TTGINP shall participate in its management through representation in the PAMB as provided under Section 9 hereof. Said LGUs may allocate appropriate portions of their funds from the annual internal revenue allotment and other income for the use of TTGINP: *Provided*, That all funds directly coming from the LGUs shall be exempted from the twenty-five percent (25%) remittance requirement for the Integrated Protected Area Fund Special Account in General Fund (IPAF SAGF).

SECTION 18. *Prohibited Acts*. – The following shall be the prohibitions and penalties applicable to the TTGINP, in addition to the prohibited acts as provided in the ENIPAS Act and its implementing rules and regulations:

a. The penalties and qualifications prescribed in Articles 309 and 310 of the Revised Penal Code, depending on the value of the resources involved in connection with the prohibited act or a fine of at least triple the value of the said resources, or both, shall be imposed upon any person who:

(1) Poaching, killing, destroying, disturbing of any wildlife in the protected area or inside TTGINP;

(2) Hunting, taking, collecting, or possessing of any wildlife, or by products derived therefrom, within TTGINP without the necessary permit, authorization or exemption: *Provided*, That the PASu as authorized by the PAMB shall issue a permit, authorization or exemption only for culling, scientific research, the exceptions provided under Section 27 (a) of Republic Act No. 9147 (Wildlife Resources, Conservation and Protection Act) or harvest of nonprotected species in multiple-use zones by tenured migrant;

(3) Cutting, gathering, removing or collecting timber within TTGINP, without the necessary permit, authorization, certification of planted trees or exemption such as for exotic species;

(4) Possessing or transporting outside TTGINP any timber, forest products, wildlife, or by-products, derived therefrom which are ascertained to have been taken from the protected area other than exotic species and the culling of which has an appropriate permit;

(5) Using any fishing or harvesting gear and practices or any of their

536 variations that destroy coral reefs, seagrass beds or other marine life and their
537 associated habitats or terrestrial habitat as may be determined by the Department of
538 Agriculture (DA) or the DENR: Provided, That mere possession of such gears within
539 TTGINP shall be a prima facie evidence of their use;

540 (6) Dumping, throwing, using, or causing to be dumped into or placed in the
541 TTGINP of any toxic chemical (i.e. bunker oil, gasoline, crude etc.) , noxious or
542 poisonous substance or nonbiodegradable material, untreated sewage or animal waste
543 products and other hazardous substances as defined under Republic Act No. 6969,
544 otherwise known as the 'Toxic Substances and Hazardous and Nuclear Waste Control
545 Act of 1990' detrimental to the protected area, or to the plants and animals or
546 inhabitants therein;

547 (7) Operating any motorized conveyance within the TTGINP without permit
548 from the PAMB;

549 (8) Altering, removing, destroying or defacing boundary marks or signs
550 within TTGINP;

551 (9) Engaging in 'kaingin' or, in any manner, causing forest fires inside
552 TTGINP;

553 (10) Mutilating, defacing, destroying, excavating, vandalizing or, in any
554 manner, damaging any natural formation, religious, spiritual, historical sites, artifacts
555 and other objects of natural beauty, scenic value or objects of interest to the
556 communities;

557 (11) Damaging and leaving roads and trails in damaged condition;

558 (12) Littering or depositing refuse or debris on the ground or in bodies of
559 water;

560 (13) Possessing or using blasting caps or explosive devices anywhere within
561 TTGINP;

562 (14) Occupying or dwelling within TTGINP;

563 (15) Constructing, erecting, or maintaining any kind of structure, fence or
564 enclosures, conducting any business enterprise within TTGINP without prior
565 clearance from the PAMB and permit from the DENR, or conducting these activities

in a manner that is inconsistent with the management plan duly approved by the PAMB;

(16) Undertaking mineral exploration or extraction within TTGINP;

(17) Engaging in commercial or large-scale quarrying within TTGINP;

(18) Establishing or introducing exotic species, including Genetically Modified Organism (GMOs) or invasive alien species within TTGINP;

(19) Conducting bioprospecting within TTGINP without prior PAMB clearance in accordance with existing guidelines: Provided, That in addition to the penalty herein, any commercial use of substance derived from nonpermitted bioprospecting within the protected area will not be allowed and all revenue earned from illegal commercialization thereof shall be forfeited and deposited as part of the IPAF;

(20) Prospecting, hunting or otherwise locating hidden treasures within TTGINP;

(21) Purchasing or selling, mortgaging or leasing lands or other portions of the TTGINP; and

(22) Constructing any permanent structure within the forty (40)-meter easement from the high-water mark of any natural body of water or issuing a permit for such construction pursuant to Article 51 of Presidential Decree No. 1067: Provided, That construction for common usage wharves and shoreline protection shall be permitted by the PAMB only after thorough EIA.

b. The fines based on the Municipal Ordinance which will be stipulated and adopted in the Patrolling, Protection and Enforcement Plan shall be imposed upon any person who:

(1) Violates any rules and regulations in the management plan or by the PAMB or agreements reached before the PAMB in the exercise of adjudicative functions;

(2) Possesses a chainsaw, hacksaw and other mechanized equipment for cutting of trees within the TTGINP without permit;

(3) Tourism activities such as jet ski, speedboat, parasailing and other related activities;

(4) Gleaning activities in non-designated areas in the TTGINP;

(5) Navigating in non-designated areas;

(6) Intrusion of commercial fishing boats and unlicensed municipal fishing boats in the waters of TTGINP;

(7) Collection of propagules/seeds without permit/clearance from the PASu;

SECTION 19. *Fines and Penalties* – Violations under this Act shall be subject to the following penalties:

(1) A fine of not less than two hundred thousand pesos (P200,000) but not more than One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six (6) years, or both, plus damages of triple the value of the said resources, or both, shall be imposed upon any person who violates paragraph “a”, sub-paragraphs “1-5” of Section 18 herein;

(2) A fine of not less than Two hundred thousand pesos (P200,000) but not more than One million (P1,000,000) or imprisonment from one year but not more than six (6) years, or both, shall be imposed upon any person who violates paragraph “a”, sub-paragraphs “6-14” of Section 18 herein;

(3) A fine of not less than One million pesos (P1,000,000) but not more than Five million pesos (P5,000,000) or imprisonment from six (6) years but not more than twelve (12) years, or both, shall be imposed upon any person who violates paragraph “a”, sub-paragraphs “15-22”, of Section 18 herein;

(4) A fine of Fifty thousand pesos (P50,000) daily shall be imposed on the owner of existing facilities within a protected area under Section 13 of this Act, if the existence of the same and its future plans and operations will be detrimental to the protected area. For every continuing violation, or if the violation continues to be committed for thirty (30) days and upon reaching a total fine of Five hundred thousand pesos (P500,000), the PAMB through the PASu and other deputized government entities, shall cause the cessation of operation and either forfeit in favor of PAMO or demolish the facility at the cost of its owner. If the facility is

government-owned, the agency in charge shall be submit a plan for a substitute facility that complies with the protected area standards and, within one (1) year, execute the approved protected area management plan;

- (5) Administrative fines of not less than Fifty thousand pesos (P50,000), but not exceeding Five million (5,000,000), shall be imposed by the DENR Secretary for the violation of any rule, regulation, or provision of any agreement reached with the PAMB: Provided, That if an area of which has sustained damage from any activity conducted therein requires rehabilitation or restoration as determined by the court, the offender shall be required to restore or pay compensation for such damages, which payment shall accrue to the IPAF;

On the basis of a court order. The DENR shall cause the eviction of an offender from the protected area: Provided, That in cases of emergency, the DENR Secretary may order the immediate exit or departure of the offender from the protected area. The DENR Secretary may call on other enforcement agencies to assist in executing the order to vacate.

An emergency occurs when there is demonstrated impending threat to human life and biodiversity or to species found within the ecosystem of the protected area.

All mineral, timber or species collected or removed from the protected area, including all equipment, devices, conveyances, and firearms used in connection therewith, shall be forfeited in favor of the government, and any construction or improvement made thereon by the offender shall be subject to confiscation by the PAMO, subject to the application of due process.

The conveyances, vessels, equipment, paraphernalia, implements, gears, tools and similar devices used in the commission of the crime shall be dealt with in accordance with Part 4, Rule 12 (Custody and Disposition of Seized Items, Equipment, Paraphernalia, Conveyances and Instruments) of Administrative Matter No. 09-6-8-SC (Rules of Procedure for Environmental Cases) issued by the Supreme Court. However, in no case shall any confiscated or rescued protected animal species be sold or in any manner disposed of but shall be

656 immediately turned over to the PAMO for rehabilitation and release to its natural
657 habitat, subject to existing regulations. Valuation of the damage shall take into
658 account biodiversity and conservation considerations as well as aesthetic and
659 scenic value. The valuation and assessment by the DENR, in coordination with
660 other concerned agencies, shall be presumed regular, unless otherwise proven by
661 preponderance of evidence.

662 If the offender is an association or cooperation, the president or manager, who
663 is proven to have participated in or actual knowledge of any violation against the
664 provisions of this Act shall be directly liable for the act of the employees and
665 labors: Provided, finally, That the DENR may impose administrative fines and
666 penalties consistent with this Act.

667 Any person who shall induce another or conspire to commit any of the acts
668 prohibited in this Act, or force their workers to commit any of the same, shall be
669 liable as principal.

670 The penalties specified in this section shall be in addition to the penalties
671 provided in Republic Act No. 9072 or the 'National Caves and Cave Resources
672 Management and Protection Act', Republic Act No. 9147 or the 'Wildlife
673 Resources Conservation and Protection Act', Republic Act No. 8550 or the
674 Philippine Fisheries Code of 1998, as amended by RA 10654 and other related
675 laws.

676 The conviction of a public officer or officer of the law whether from the LGU
677 or any national government agency for any violation of the provisions of this Act
678 shall carry the accessory of perpetual disqualification from position.

679 SECTION 20. *Reporting Responsibility.* – The PASu, through the PAMB, shall
680 submit an annual accomplishment report together with the report on the conditions and
681 benefits of the biological resources and ecosystem services of the TTGINP to the Secretary of
682 DENR through the BMB on the activities undertaken in the Taklong and Tandog Group of
683 Islands Natural Park.

684 SECTION 21. *Appropriations.* – The Secretary of the DENR shall immediately
685 include in the DENR's program the implementation of this Act, the funding of which shall be

686 included by the Department of Budget and Management in the annual General
687 Appropriations Act (GAA).

688 An annual budget shall be allocated for TTGINP to cover for the operational and
689 maintenance expenses, professional and manual services as stipulated in Section 11 of this
690 law and other contingency fund.

691 SECTION 22. *Construction and Interpretation of Existing Laws.*— The provisions of
692 this Act shall be construed liberally in favor of the protection and rehabilitation of the
693 TTGINP and the conservation and restoration of its biological diversity, taking into account
694 the need and interest of qualified tenured migrants, vested rights and local communities and
695 the benefits from ecosystem services and functions of protected areas for present and future
696 Filipino generations. Provided, that nothing in this act shall be construed as a diminution of
697 local autonomy or derogation of ancestral domain rights under the Indigenous People's
698 Rights Act of 1997.

699 The PAMB, shall within six (6) months from passage of this Act prepare its Manual
700 of Operations.

701 The ENIPAS Act shall have suppletory effect in the implementation of this Act.

702 SECTION 23. *Transitory Provision.*—In order to ensure the recovery and restoration
703 of biological diversity and to develop sustainable livelihood opportunities for affected
704 communities, the DENR shall henceforth cease to issue concessions, licenses, permits,
705 clearances, compliance documents or any other instrument that allows exploitation and
706 utilization of resources within the TTGINP until the Management Plan shall have been put
707 into effect.

708 All existing resource use permits within the Taklong and Tandog Group of Islands
709 Natural Park shall be reviewed and shall not be renewed upon their expiration unless
710 consistent with the Management Plan and approved by the PAMB.

711 SECTION 24. *Repealing Clause.* — All other laws, rules and regulations inconsistent
712 with this Act are hereby repealed or modified accordingly.

713 SECTION 25. *Separability Clause.* — If any part or section of this Act is declared by
714 the courts as unconstitutional or invalid, such declaration shall not affect the other parts or
715 sections hereof.

716 SECTION 26. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
717 its complete publication in the *Official Gazette* or in two (2) national newspaper of general
718 circulation.

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Approved,