



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



**Nineteenth Congress
First Regular Session**

HOUSE BILL NO. 3743

Introduced by Representative Luz V. Mercado

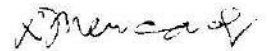
EXPLANATORY NOTE

In accordance with the goal of protecting and maintaining the natural, biological, and physical diversities of the environment notably on areas with biologically unique features to sustain human life and development, as well as plant and animal life, and the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas, it is hereby declared as a policy of the State to secure the protection of the natural ecosystems of Panaon Island and its surrounding areas, particularly its seascape resources and diversity of its flora and fauna. Panaon Island is located at the southern tip of Southern Leyte, which boasts of coral reefs that are in good to excellent condition – a rarity in the country nowadays. Identified as part of the priority reefs that will highly likely withstand the devastating impacts of climate change, the urgency to protect the reefs of Panaon Island is highly emphasized.

This establishment of the Panaon Island Protected Seascape is pursuant to the declared policy of the State to advance and protect the constitutional right to a balanced and healthful ecology in accord with the rhythm and harmony of nature of all the Filipino people of present for future generations, and that shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens, the objectives of Republic Act 11038, otherwise

known as the Expanded National Integrated Protected Areas System (ENIPAS) Act and the commitments under various international agreements to which the Philippines is a signatory.

Moreover, we need to have more marine protected areas, with our country having only 1.4% of our waters up to 200 nautical miles protected under the National Integrated Protected Areas system, as of 2020. Marine protected areas play a pivotal role in rebuilding fisheries, fighting overfishing, promote food and nutritional security and strengthening climate mitigation and adaptation measures. With the Philippines considered among the most vulnerable to the impacts of climate change, the country needs more well-managed marine reserves that may "help marine ecosystems and people adapt to five prominent impacts of climate change: acidification, sea-level rise, intensification of storms, shifts in species distribution, and decreased productivity and oxygen availability, as well as their cumulative effects."



LUZ V. MERCADO



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

**Nineteenth Congress
First Regular Session**

HOUSE BILL NO. 3743

Introduced by Representative Luz V. Mercado

AN ACT

**DECLARING THE PANAON ISLAND AND ITS SURROUNDING AREAS, SITUATED
IN THE PROVINCE OF SOUTHERN LEYTE AS PROTECTED SEASCAPE,
PURSUANT TO REPUBLIC ACT 11038, OTHERWISE KNOWN AS THE EXPANDED
NATIONAL INTEGRATED PROTECTED SYSTEM (ENIPAS) ACT OF 2018**

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

Article I – General Provisions

SECTION 1. Title. – This Act shall be known as the PANAON ISLAND
PROTECTED SEASCAPE ACT OF 2021.

SECTION 2. Declaration of Policy. – It shall be the declared policy of the State
to ensure protection and maintenance of the natural, biological, and physical diversities
of the environment notably on areas with biologically unique features of Panaon Island to
secure its perpetual existence for the present and future generations.

SECTION 3. Establishment of the PANAON ISLAND PROTECTED SEASCAPE (PIPS). - Pursuant to the above policy, the ENIPAS Act and as provided herein, Panaon Island and its surrounding areas with boundaries as described hereunder, is hereby declared and established as a protected area under the category of protected landscape and seascape to be known as the Panaon Island Protected Seascape (PIPS).

SECTION 4. Definition of Terms. - As used in this Act, the following terms and phrases shall mean, as follows:

- (a) "Buffer Zone" refers to the identified area outside the boundaries of and immediately adjacent to PIPS that needs special development control in order to avoid or minimize harm to the protected area.
- (b) "Conservation Fees" refer to fees collected from authorized users of the PIPS.
- (c) "LGUs" refer to the local government units in PIPS.
- (d) "Management Plan" refers to the fundamental management goals, strategies and activities which shall guide all activities relating to the PIPS in order to attain the objectives of this Act.
- (e) "Multiple Use Zone" refers to the area where settlement, traditional and sustainable land use including agriculture, agroforestry, extraction activities, and income generating or livelihood activities, and may be allowed to the extent prescribed in the protected area management plan of the PIPS.
- (f) "PAMO" refers to the Protected Area Management Office of the PIPS.
- (g) "PASu" refers to the Protected Area Superintendent of the PIPS.
- (h) "PIPS" refers to Panaon Island Protected Seascape.
- (i) "Protected Area" refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- (j) "Strict Protection Zone" refers to the area declared within the PIPS according to the protected area management plan which possess some outstanding ecosystem, features, and species of flora and fauna of national scientific importance that should be maintained to protect and to preserve nature in its undisturbed state and to preserve ecologically representative examples of the natural environment to ensure their availability for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state.

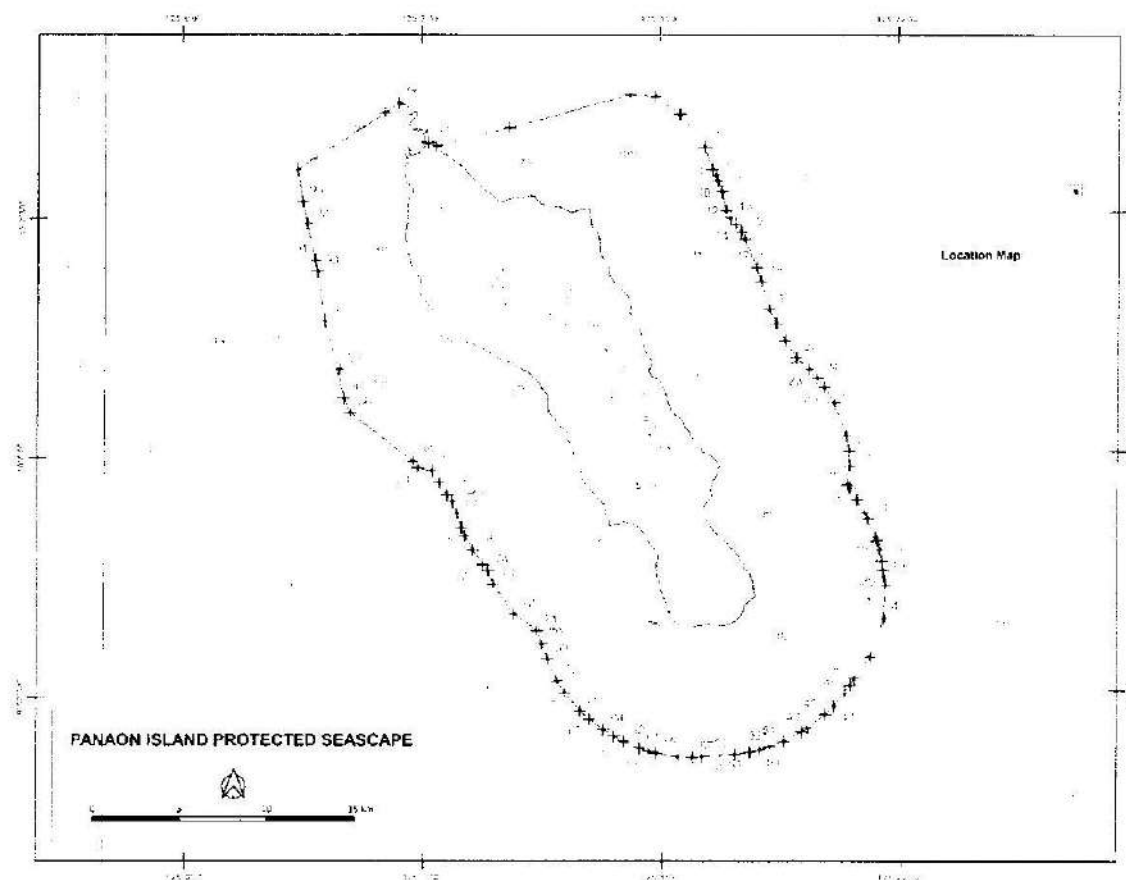
SECTION 5. Scope and Coverage. - The Panaon Island Protected Seascape (PIPS) shall cover the Municipalities of Liloan, San Francisco, Pintuyan, and San Ricard, containing an area of 62,478.50 hectares subject to delineation and demarcation on the ground with the following boundaries and technical description:

POINTS	WGS 84 DATUM		Remarks
	Latitude	Longitude	
Beginning at 1	10° 9' 39.79" N	125° 7' 57.57" E	Cabalian Bay
thence 2	10° 10' 13.0" N	125° 10' 15.04" E	Cabalian Bay
thence 3	10° 11' 13.97" N	125° 14' 3.0" E	Cabalian Bay
thence 4	10° 11' 10.05" N	125° 14' 50.97" E	Cabalian Bay
thence 5	10° 10' 37.35" N	125° 15' 36.28" E	Surigao Strait
thence 6	10° 10' 36.16" N	125° 15' 37.52" E	Surigao Strait
thence 7	10° 9' 34.01" N	125° 16' 24.31" E	Surigao Strait
thence 8	10° 8' 52.23" N	125° 16' 38.37" E	Surigao Strait
thence 9	10° 8' 42.07" N	125° 16' 45.15" E	Surigao Strait
thence 10	10° 8' 31.85" N	125° 16' 48.23" E	Surigao Strait
thence 11	10° 8' 11.85" N	125° 16' 56.4" E	Surigao Strait
thence 12	10° 7' 36.98" N	125° 17' 4.09" E	Surigao Strait
thence 13	10° 7' 23.82" N	125° 17' 12.63" E	Surigao Strait
thence 14	10° 7' 11.32" N	125° 17' 22.51" E	Surigao Strait
thence 15	10° 6' 56.55" N	125° 17' 32.54" E	Surigao Strait
thence 16	10° 6' 42.93" N	125° 17' 39.95" E	Surigao Strait
thence 17	10° 5' 50.18" N	125° 18' 1.84" E	Surigao Strait
thence 18	10° 5' 24.35" N	125° 18' 9.82" E	Surigao Strait
thence 19	10° 4' 31.04" N	125° 18' 25.08" E	Surigao Strait
thence 20	10° 4' 4.46" N	125° 18' 37.12" E	Surigao Strait
thence 21	10° 3' 31.92" N	125° 18' 54.48" E	Surigao Strait
thence 22	10° 3' 0.81" N	125° 19' 15.04" E	Surigao Strait
thence 23	10° 2' 37.97" N	125° 19' 39.07" E	Surigao Strait
thence 24	10° 2' 21.17" N	125° 19' 54.43" E	Surigao Strait
thence 25	10° 2' 4.04" N	125° 20' 7.68" E	Surigao Strait
thence 26	10° 1' 34.63" N	125° 20' 25.97" E	Surigao Strait

POINTS	WGS 84 DATUM		Remarks
	Latitude	Longitude	
thence 27	10° 0' 31.63" N	125° 20' 49.29" E	Surigao Strait
thence 28	10° 0' 4.07" N	125° 20' 53.85" E	Surigao Strait
thence 29	9° 59' 36.44" N	125° 20' 55.42" E	Surigao Strait
thence 30	9° 59' 0.51" N	125° 20' 50.51" E	Surigao Strait
thence 31	9° 58' 54.83" N	125° 20' 54.74" E	Surigao Strait
thence 32	9° 58' 32.14" N	125° 21' 8.98" E	Surigao Strait
thence 33	9° 58' 8.05" N	125° 21' 23.97" E	Surigao Strait
thence 34	9° 57' 56.99" N	125° 21' 29.27" E	Surigao Strait
thence 35	9° 57' 22.31" N	125° 21' 43.76" E	Surigao Strait
thence 36	9° 57' 15.33" N	125° 21' 46.11" E	Surigao Strait
thence 37	9° 56' 58.43" N	125° 21' 50.97" E	Surigao Strait
thence 38	9° 56' 36.74" N	125° 21' 55.5" E	Surigao Strait
thence 39	9° 56' 20.59" N	125° 21' 56.92" E	Surigao Strait
thence 40	9° 56' 7.68" N	125° 21' 58.45" E	Surigao Strait
thence 41	9° 55' 51.08" N	125° 22' 1.83" E	Surigao Strait
thence 42	9° 54' 49.78" N	125° 21' 58.67" E	Surigao Strait
thence 43	9° 53' 37.15" N	125° 21' 33.48" E	Surigao Strait
thence 44	9° 52' 56.5" N	125° 21' 2.48" E	Surigao Strait
thence 45	9° 52' 43.59" N	125° 20' 55.24" E	Surigao Strait
thence 46	9° 52' 29.27" N	125° 20' 45.13" E	Surigao Strait
thence 47	9° 52' 4.56" N	125° 20' 24.44" E	Surigao Strait
thence 48	9° 51' 48.24" N	125° 20' 7.97" E	Surigao Strait
thence 49	9° 51' 23.13" N	125° 19' 35.24" E	Surigao Strait
thence 50	9° 51' 16.29" N	125° 19' 24.52" E	Surigao Strait
thence 51	9° 50' 58.64" N	125° 18' 50.38" E	Surigao Strait
thence 52	9° 50' 48.7" N	125° 18' 24.59" E	Surigao Strait
thence 53	9° 50' 42.85" N	125° 18' 4.94" E	Surigao Strait

POINTS	WGS 84 DATUM		Remarks
	Latitude	Longitude	
thence 54	9° 50' 38.63" N	125° 17' 46.53" E	Surigao Strait
thence 55	9° 50' 34.54" N	125° 17' 18.59" E	Surigao Strait
thence 56	9° 50' 30.83" N	125° 16' 16.19" E	Surigao Strait
thence 57	9° 50' 29.96" N	125° 15' 58.23" E	Surigao Strait
thence 58	9° 50' 30.95" N	125° 15' 30.87" E	Surigao Strait
thence 59	9° 50' 37.84" N	125° 14' 49.97" E	Surigao Strait
thence 60	9° 50' 41.7" N	125° 14' 36.45" E	Surigao Strait
thence 61	9° 50' 47.46" N	125° 14' 17.98" E	Surigao Strait
thence 62	9° 51' 0.15" N	125° 13' 48.66" E	Surigao Strait
thence 63	9° 51' 10.56" N	125° 13' 29.97" E	Surigao Strait
thence 64	9° 51' 22.86" N	125° 13' 10.55" E	Surigao Strait
thence 65	9° 51' 42.97" N	125° 12' 44.02" E	Surigao Strait
thence 66	9° 51' 58.54" N	125° 12' 26.28" E	Surigao Strait
thence 67	9° 52' 33.36" N	125° 11' 56.96" E	Surigao Strait
thence 68	9° 52' 56.15" N	125° 11' 42.35" E	Surigao Strait
thence 69	9° 53' 36.36" N	125° 11' 25.24" E	Surigao Strait
thence 70	9° 54' 4.92" N	125° 11' 13.82" E	Surigao Strait
thence 71	9° 54' 30.83" N	125° 11' 4.29" E	Sogod Bay
thence 72	9° 55' 2.16" N	125° 10' 21.62" E	Sogod Bay
thence 73	9° 55' 57.86" N	125° 9' 43.0" E	Sogod Bay
thence 74	9° 56' 24.06" N	125° 9' 32.84" E	Sogod Bay
thence 75	9° 56' 35.3" N	125° 9' 22.92" E	Sogod Bay
thence 76	9° 57' 3.03" N	125° 9' 4.17" E	Sogod Bay
thence 77	9° 57' 30.12" N	125° 8' 50.11" E	Sogod Bay
thence 78	9° 57' 45.51" N	125° 8' 43.79" E	Sogod Bay
thence 79	9° 58' 13.52" N	125° 8' 34.69" E	Sogod Bay
thence 80	9° 58' 34.22" N	125° 8' 26.45" E	Sogod Bay

POINTS	WGS 84 DATUM		Remarks
	Latitude	Longitude	
thence 81	9° 58' 46.65" N	125° 8' 16.85" E	Sogod Bay
thence 82	9° 59' 9.8" N	125° 8' 2.15" E	Sogod Bay
thence 83	9° 59' 31.75" N	125° 7' 48.22" E	Sogod Bay
thence 84	9° 59' 37.63" N	125° 7' 21.44" E	Sogod Bay
thence 85	9° 59' 50.0" N	125° 7' 12.0" E	Sogod Bay
thence 86	10° 1' 22.0" N	125° 5' 14.0" E	Sogod Bay
thence 87	10° 1' 49.0" N	125° 5' 2.0" E	Sogod Bay
thence 88	10° 2' 44.0" N	125° 4' 54.0" E	Sogod Bay
thence 89	10° 4' 15.0" N	125° 4' 26.0" E	Sogod Bay
thence 90	10° 5' 48.0" N	125° 4' 13.0" E	Sogod Bay
thence 91	10° 6' 9.0" N	125° 4' 9.0" E	Sogod Bay
thence 92	10° 7' 18.0" N	125° 3' 54.0" E	Sogod Bay
thence 93	10° 7' 59.0" N	125° 3' 45.0" E	Sogod Bay
thence 94	10° 8' 57.0" N	125° 3' 36.0" E	Sogod Bay
thence 95	10° 10' 42.84" N	125° 6' 20.55" E	Sogod Bay
thence 96	10° 11' 1.43" N	125° 6' 46.75" E	Sogod Bay
thence 97	10° 9' 46.97" N	125° 7' 42.47" E	Sogod Bay
thence following the Liloan Bridge to point 98			
thence 98	10° 9' 44.09" N	125° 7' 42.11" E	Sogod Bay
thence following the coastline of Liloan Bay to Liloan Point			
thence following the coastline to Sonok Point			
thence following the coastline to Bolobolo Point			
thence following the coastline to Calapian Point			
thence following the coastline to Point 1			
Total Area: 62,478.50 hectares			



Any modification of the scope and coverage of the PIPS in this Act shall be made through an act of Congress, after consultation with the concerned government agencies and stakeholders.

Article II – Administration and Management

SECTION 6. Management of the PIPS. – The PIPS shall be administered and managed by the Panaon Island Protected Area Management Board (PAMB), as herein provided, and shall be inclusive and science-based. The Panaon Island PAMB shall be responsible for the planning, resource protection, and general administration of the PIPS in accordance with the approved PIPS Management Plan.

SECTION 7. PIPS Management Plan. – Within six (6) months from the effectivity of this Act, there shall be a management plan which shall serve as the basic long-term framework plan for the management of the protected area and guide in the preparation of its annual operations plan and budget. The management plan shall be prepared by the PIPS Protected Area Management Office (PAMO) in coordination with the local

community and various stakeholders, municipal and provincial governments, with the assistance from the Department of Environment and Natural Resources (DENR) and the Bureau of Fisheries and Aquatic Resources (BFAR).

The management plan shall contain, among others:

- (a) a period of applicability for ten (10) years subject to periodic review every three (3) years;

- (b) goals and objectives of management in support of Section 2 hereof;

- (c) key management issues such as, but not limited to, issuance, screening and approval of all development and resource-use activities within the PIPS and adequate protection and restoration of endangered species and fragile ecosystems;

- (d) 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 the buffer zones;

- (e) major management activities such as, 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) mechanism for the protection, regulation and prohibition of those within the PIPS, in accordance with their rights; and

- (g) mechanisms to ensure consultative and participatory decision-making processes. The management plan shall be consistent with the nature of the PIPS as a protected area. It shall be reviewed and approved by the Panaon Island PAMB and submitted to the DENR.

The management plan shall, at the minimum, promote the adoption and implementation of innovative management techniques including, when necessary, zoning, buffer zone management, habitat conservation and rehabilitation, diversity management, community organizing and development, socioeconomic and scientific researches, site-specific policy development, climate change adaptation and mitigation, disaster risk reduction and management, waste sewerage and septic management, and gender and development, among others.

The management plan shall be harmonized with the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) required under Republic Act No. 8371, or "The Indigenous People's Right Act of 1997", the respective Comprehensive Land Use Plans (CLUPs) of local governments required under Republic Act No. 7160 or the 'Local Government Code of 1991' and other local plans.

SECTION 8. Environmental Impact Assessment. – Any proposal for activities which are outside the scope of the PIPS management plan shall be subject to an

environmental impact assessment as required by law before they are adopted, and the results thereof shall be taken into consideration in the decision-making process.

No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippine Environmental Impact Assessment (EIA) system. In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such manner as will minimize any adverse effects and take preventive and remedial action when appropriate. The proponent shall be liable for any damage as may be provided under existing environmental laws.

SECTION 9. Zoning. – There shall be established Strict Protection Zones and Multiple Use Zones within the PIPS. The establishment and management of zones shall involve the concerned stakeholders by undertaking such steps as dialogue and community and resource-use mapping. Each zone shall be indicated on maps and nautical charts. Buffer zones shall also be established within the peripheral areas of the PIPS in accordance with the management plan.

Article III – Institutional Mechanism, Roles and Functions

SECTION 10. Protected Area Management Board (PAMB): Composition and Term of Office. – Within three (3) months after the effectivity of this Act, the Panaon Island PAMB shall be created as the sole policy-making body of the PIPS. It shall be composed of:

(a) DENR Regional Director under whose jurisdiction the protected area is located, as Chairperson;

(b) Governor/s of the province/s where the protected area is located or their duly designated representative/s;

(c) A Senator of the Republic of the Philippines who is a duly registered resident of the city or province where the protected area is located or a duly authorized representative, unless the Senator declines membership in the PAMB;

(d) District Representative/s of the Congressional district/s where the protected area is located or their duly designated representatives, unless the District Representative declines membership in the PAMB;

(e) Mayor/s of the city/cities or municipality/municipalities where the protected area is located or their duly designated representative/s;

(f) Chairperson/s of the barangay/s where the protected area is located;

(g) Regional Directors of the following government agencies, namely: the Department of Agriculture (DA), the National Economic and Development Authority

(NEDA), the Department of Science and Technology (DOST), the Philippine National Police (PNP), and the Department of National Defense (DND);

(h) Three (3) representatives from either an NGO or PO, duly accredited both by the DENR and the provincial government. The NGO or PO represented should have been in existence for at least five (5) years and with track record in or related to protected area management;

(i) At least one (1) but not more than three (3) representatives from all the IPs/ICCs if present in the area and recognized by the National Commission on Indigenous Peoples (NCIP);

(j) One (1) representative from an academic institution, preferably from a university or college in the province where the protected area is located, with proven track record in or related is located, with proven track record in or related to the protected area management; and

(k) One (1) 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 members of the PAMB by virtue of their elective or appointive government positions as specified in the immediately preceding subparagraphs (a), (b), (c), (d), (e), (f), and (g), shall serve for the duration of their respective terms of office in their respective elective or appointive government positions. On the other hand, the members of the PAMB specified under subparagraphs (h), (i), (j), and (k) 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 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, further, That at least forty percent (40%) of the PAMB members shall be women, pursuant to Republic Act No. 9710 or 'The Magna Carta of Women'.

SECTION 11. Grounds for Removal of PAMB members. - A member of the PAMB may be removed for any of the following grounds:

(1) More than three (3) consecutive unexcused absences from regular meetings of the management board;

(2) Commission of acts prejudicial to the management of protected areas as embodied in Section 20 hereof and/or other existing rules and regulations governing protected areas;

- (3) Disassociation from the office or organization being represented;
- (4) Termination of relationship with the office or organization being represented; or
- (5) Conviction by final judgment of any criminal act

SECTION 12. Meetings of the PAMB. - The Panaon Island PAMB en banc shall hold regular meetings at least once every quarter. It may, however, meet on a more regular basis to discuss day-to-day affairs and other matters.

SECTION 13. Executive and Other Committees of the PAMB. - There shall be an Executive Committee (ExeCom) to which the Panaon Island PAMB may delegate some of its powers and functions. Its members shall be chosen by the PAMB from among themselves. The PAMB may create other committees as it may deem necessary.

SECTION 14. Compensation and Incentives of PAMB members. - The members of the Panaon Island PAMB shall serve without compensation, except for the actual and necessary traveling 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 regulations. Each member shall have the full capacity and accountability for decisions binding to the member's sector.

SECTION 15. Powers and Functions of the PAMB. – The Panaon Island PAMB shall have the following powers and functions:

- (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 ADSDPP (whenever appropriate), 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 enforcement of the laws, rules and regulations governing the management of protected area;
- (f) Allocate financial resources for the implementation of the management plan and manage the Protected Area Retention Income Account and other funds in accordance with the accounting and budgeting rules and regulations;
- (g) Set fees and charges in accordance with the 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 governing authorities;

(j) Monitor and assess the performance of the protected area personnel assigned in the PAMO and all those implementing activities and projects in the PIPS

(k) Establish partnerships with national and local agencies, local government units, local communities, the academe, nongovernmental organizations, and such other institutions to ensure the conservation and management of the PIPS, and monitor compliance of partners with the terms and conditions of any undertaking, contract or agreement;

(l) Recommend from among a shortlist of qualified candidates, the designation or appointment of the PASu and, upon recommendation of the PASu, recommend for appointment by the DENR support staff to assist in the management of PIPS;

(m) Assess the effectiveness of the management of the protected area;

(n) Provide adequate measures to ensure consultation and participation of stakeholders; and

(o) Perform such other functions necessary for the fulfillment of the provisions of this Act and other applicable laws, rules and regulations, and as may be required.

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 policies, rules, regulations, programs, and projects and shall ensure that the provisions of this Act and its implementing rules and regulations are complied with, and used as reference and framework in their respective plans, policies, programs, and projects.

The DENR, through the Regional Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail.

SECTION 16. Protected Area Management Office (PAMO). – There is hereby established a Protected Area Management Office (PAMO) to be headed by a Protected Area Superintendent (PASU) with a permanent plantilla position who shall supervise the day-to-day management, protection and administration of the protected area. A sufficient number of support staff with permanent plantilla position shall be appointed by the DENR to assist the PASU in the management of the protected area.

The PASu shall have full responsibility for the protection of resources within the PIPS. As such, he/she shall have 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, in consultation with the stakeholders, including the annual work and financial plans and ensure their implementation;

(b) Ensure the integration of the protected area management plans, programs, projects, and policies with relevant national and LGUs' plans and programs;

(c) Act as secretariat to the Panaon Island PAMB with the duty to provide all relevant and timely information necessary for appropriate decision-making;

(d) Formulate and recommend to the PAMB proposed policies, rules, regulations, and programs;

(e) Establish, operate, and maintain a database management system which shall be an important basis for decision-making;

(f) Recommend support staff to assist in the management of the PIPS;

(g) Supervise the PAMO personnel in the performance of their duties and functions;

(h) Coordinate and implement with national and local agencies, local government units, local communities, the academe, nongovernmental organizations, and such other institutions to ensure the conservation and management of the PIPS;

(i) Develop and implement park information, interpretation, education and other visitor programs;

(j) Enforce the laws, rules and regulations and the PAMB resolutions relevant to the PIPS, file administrative and criminal legal actions in collaboration with other government agencies or organizations, and assist in the prosecution of offenses;

(k) Monitor all activities within the PIPS in conformity with the management plan;

(l) Ensure that consultative and participatory mechanisms are maximized in decision-making;

(m) Issue permits and clearances for activities that implement the management plan and other permitted activities in accordance with terms, conditions, and criteria established by the PAMS: *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;

(n) Collect and/or receive pertinent fees, charges, donations, and other income for 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; and

(o) Perform such other functions as the PAMB may assign.

SECTION 17. Role of Local Government Units (LGUs). – Local government units shall participate in the management of the PIPS through their representation in the PAMB. Said LGUs may appropriate portions of their share from the annual internal revenue allotment and other income for use of the protected area, which shall be exempted from twenty-five percent (25%) remittance requirement for the IPAF.

LGUs with territory inside protected areas shall align their CLUPs, local development plans, climate change plans, disaster risk reduction management plans and other required plans according to the objectives specified herein and in the protected area management plans. The national and local government units shall likewise ensure that local ordinances pertaining to the environment are consistent with the management plan.

The LGUs shall continue to impose and collect other fees which they have traditionally collected, such as business permits and rentals of LGU facilities: *Provided*, That the LGUs shall not impose property tax on properties owned by the government nor issue any tax declarations for areas covered by the protected area. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons shall be based on the contribution of the LGUs in the maintenance and protection of the protected area.

Article IV – Utilization of Resources

SECTION 15. Energy Resources. – Any exploration, exploitation or utilization of non-renewable resources such as, but not limited to, minerals, gas and oil within the PIPS shall not be allowed. Energy projects shall be allowed only through an act of Congress.

SECTION 16. Areas under the Management of Other Departments and Government Instrumentalities. – Should there be any portion of PIPS fall under the jurisdiction of government instrumentalities other than the DENR, such jurisdiction shall remain in the said department or government instrumentality: *Provided*, That the DENR shall retain its oversight function over such protected area, and the concerned agency shall provide annual reports on the management of said areas focusing on the conservation of the biodiversity therein.

Article V – Special Prosecutors and Retained Counsel

SECTION 17. Special Prosecutors. – There shall be special prosecutors appointed by the Department of Justice to prosecute violations of laws, rules and regulations in the protected area. The special prosecutors shall coordinate with the PAMB and the PASU in the performance of duties and assist in the training of wardens and rangers in arrest and criminal procedures.

SECTION 18. Retained Counsels. – The PAMB may retain the services of counsel to prosecute cases under the direct control and supervision of the regular or

special prosecutor. Said counsel shall also represent and defend the members of the PAMB, PASU and the staff, or any DENR-deputized individual and volunteer, against any legal action arising from the performance of their powers, functions and responsibilities as provided in this Act.

Article VI – Proceeds and Fees

SECTION 19. Panaon Island Protected Seascape Fund (PIPSF). – There is hereby established a Panaon Island Protected Seascape Fund (PIPSF) for purpose of financing the projects and sustaining the operation of protected areas and the System. Income generated from the operation and management of protected area shall accrue to the PIPLF.

The income shall be derived from fees and charges from the use of resources and facilities of protected areas; contributions from industries and facilities directly benefiting from the protected area; and such other fees and income derived from the operation of the protected area.

The PAMB shall retain seventy-five percent (75%) of all revenues raised through the above means, which shall be deposited in the Protected Area-Retained Income Account (PA-RIA) in any authorized government depository bank within the locality: *Provided*, That disbursement out of such deposits shall be used solely for the protection, maintenance, administration, and management of the protected area and implementation of duly approved projects of the PAMB.

The remaining twenty-five percent (25%) of revenues shall be deposited as a special account in the General Fund in the National Treasury for purposes of financing the projects of the System.

The PIPLF may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions. These shall be deposited in full in a special account in the National Treasury to be used for the purpose specified in the deeds and instruments covering them. The PAMB shall have the sole power to decide on the use of its funds from whatever source.

Voluntary or legislated payments for ecosystem goods and services, including fines, penalties, and compensation for damages from protected area offenses shall accrue fully to the PA-RIA and shall be managed by the PAMB.

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

SECTION 20. Tax Exemption. – All grants, bequests and endowments, donations and contributions made to the protected area fund to be used actually, directly, and exclusively by the protected area, shall be exempted from donor's tax and shall be

considered as allowable deduction from the gross income of the donor for the purpose of computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

Article VII – Prohibited Acts and Penalties

SECTION 21. Prohibited Acts and Penalties –

(a) 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 years, or both, plus damages of triple the value of the said resources, or both, shall be imposed upon any person who commits the following acts:

(1) (a) Poaching, killing, destroying, disturbing of any wildlife including in private lands within the protected area;

(2) Hunting, taking, collecting, or possessing of any wildlife, or by-products derived therefrom, including in private lands within the protected area without the necessary permit, authorization or exemption, except those authorized by the PASU for culling, scientific research, the exemptions provided under Section 27(a) of Republic Act No. 9147 (Wildlife Resources, Conservation and Protection Act) or harvests of nonprotected species in multiple-use zones by tenured migrants and IPs;

(3) Cutting, gathering, removing or collecting timber within the protected area including private lands therein, without the necessary permit, authorization, certification of planted trees or exemption as duly recognized practices of the IPs/ICCs for subsistence purposes;

(4) Possessing or transporting outside the protected area 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, the culling of which has been authorized under an appropriate permit; and

(5) Using any fishing or harvesting gear and practices or any of their variations that destroys coral reefs, seagrass beds or other marine life and their associated habitats or terrestrial habitat as may be determined by the DA or the DENR; *Provided*, That mere possession of such gears within the protected areas shall be *prima facie* evidence of their use.

(b) A fine of not less than Two hundred thousand pesos (200,000) but not more than One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six years, or both, shall be imposed upon any person who commits the following acts:

(1) Dumping, throwing, using, or causing to be dumped into or places in the protected area of any toxic chemical, noxious or poisonous substance or nonbiodegradable material, untreated sewage or animal waste or products whether in

liquid, solid or gas state, including pesticides and other hazardous substances as defined under Republic Act No. 6969, otherwise known as the "Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990" detrimental to the protected area, or to the plants and animals or inhabitants therein;

(2) Operating any motorized conveyance within the protected area without permit from the PAMB;

(3) Altering, removing, destroying or defacing boundary marks or signs;

(4) Engaging in 'kaingin' or, any manner, causing forest fires inside the protected area;

(5) Mutilating, defacing, destroying, excavating, vandalizing or, in any manner damaging any natural formation, religious, spiritual, historical sites, artifacts and other objects of natural beauty, scenic value or objects of interest to indigenous communities;

(6) Damaging and leaving roads and trails in damaged condition;

(7) Littering or depositing refuse or debris on the ground or in bodies of water;

(8) Possessing or using blasting caps or explosives anywhere within the protected area;

(9) Occupying or dwelling in any public land within the protected area without clearance from the PAMB; and

(10) Constructing, erecting, or maintaining any kind of structure, fence or enclosure, conducting any business enterprise within the protected area without prior 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.

(11) Undertaking mineral exploration or extraction within the protected area

(c) A fine of Fifty thousand pesos (P50,000) daily shall be imposed on the owner of existing facilities within a protected area 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 the PAMO or demolish the facility at the cost of its owner. If the facility is government-owned, the agency in charge shall 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.

(d) Administrative fines of not less than Fifty thousand pesos (P50,000), but not exceeding Five million pesos (P5,000,000), 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 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 damage, which payment shall accrue to the PIPSF.

(e) In any event, including those not expressly provided in this Act, the provisions of Republic Act 11038, otherwise known as the Expanded National Integrated Protected Areas System Act, will apply.

Article VIII – Miscellaneous Provisions

SECTION 22. Reporting Responsibility. – The PASU, through the Panaon Island PAMB, shall submit an annual accomplishment report of the protected area to the Secretary of DENR through the Biodiversity Management Bureau (BMB). A report on the conditions and benefits of the biological resources and ecosystem services of the protected area shall also be submitted by the PASU, through channels, to the Secretary of the DENR every five (5) years. Consequently, the BMB shall likewise prepare a National State of Protected Areas (NSPAs) report every five (5) years and shall submit the same to the President, the Senate and the House of Representatives.

SECTION 23. Appropriations. – In order to carry out the purposes of this Act, an annual aggregate amount of Fifty Million Pesos (P 50,000,000.00) shall be included in the annual General Appropriations Act and allocated for the use of PIPS. Thereafter, the Secretary of the DENR shall immediately include in the DENR's annual program of implementation of this ACT, the funding of which shall be included in the annual General Appropriations Act.

SECTION 24. Construction and Interpretation. – The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the protected area and the conservation and restoration biological diversity taking into account the needs and interests of qualified tenured migrants, vested rights, IPs and local communities, and the benefits from ecosystem services and functions of protected areas, for present and future generations: *Provided*, That nothing in this Act shall be construed as a diminution of local autonomy or in derogation of ancestral domain rights under the Indigenous Peoples' Rights Act of 1997, whenever applicable.

SECTION 25. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

SECTION 26. Repealing Clause. – All laws, decrees, executive orders, rules and regulations or parts thereof which are contrary to or inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 27. Effectivity Clause. – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved.