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SENATE

S.B. No. 2393

(In substitution of Senate Bill Nos. 177 and 1068)

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Prepared jointly by the Committees on Environment and Natural Resources and Finance with Senators Madrigal, Legarda, and Cayetano, P. as authors thereof

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AN ACT

ESTABLISHING THE APO REEF IN SABLAYAN, OCCIDENTAL MINDORO AS PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK AND ITS PERIPHERAL WATERS AS BUFFER ZONES, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES

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

1       **SECTION 1. Title.** – This Act shall be known as the “Apo Reef Natural  
2 Park (ARNP) Act of 2008.”

3       **SEC. 2. Declaration of Policy.** – In view of the importance of Apo Reef in  
4 Sablayan, Occidental Mindoro, its biodiversity and role in the fisheries of the  
5 region, it is hereby declared the policy of the State to ensure the protection and  
6 conservation of Apo Reef, its associated waters, biodiversity and islands.  
7 Pursuant thereto, the State shall ensure the full implementation of this Act,  
8 mobilize resources in order to put into operation institutional mechanisms and full  
9 scientific and technical support for the conservation of biodiversity and the  
10 integrity of the ecosystems in Apo Reef.

11       **SEC. 3. Land Classification.** – All lands of the public domain comprising  
12 the Apo Reef Natural Park shall fall under the classification of National Park as  
13 provided for in the Philippine Constitution.

14       **SEC. 4. Scope and Coverage.** – The boundaries of the Apo Reef Natural  
15 Park (ARNP), situated in the Municipality of Sablayan, Province of Occidental

1 Mindoro, containing an approximate area of fifteen thousand seven hundred  
2 ninety-two (15,792) hectares, are as follows:

3 Control	CM	Latitude	Longitude	Northings	Eastings
4 Points		("'")	("'")	(Meters)	(Meters)
5 1	123	12-44-47	120-27-22	1410356.242	223773.809
6 2	123	12-41-11	120-33-44	1403605.487	235240.033
7 3	123	12-35-47	120-29-57	1393709.839	228292.637
8 4	123	12-39-18	120-23-46	1400336.616	217153.893

9 to point 1, the point of beginning.

10 Any modification of this Act due to factors such as changing ecological  
11 situations, new scientific or archaeological findings, or discovery of traditional  
12 boundaries not previously taken into account shall be made through an Act  
13 passed by Congress after full consultation with the affected public and concerned  
14 government agencies.

15 **SEC. 5. Buffer Zones.** - Buffer Zones surrounding the ARNP, containing  
16 an approximate area of eleven thousand six hundred seventy-seven (11,677)  
17 hectares, are hereby established with the following boundaries:

18 Control	CM	Latitude	Longitude	Northings	Eastings
19 Points		("'")	("'")	(Meters)	(Meters)
20 1	123	12-46-14	120-27-00	1413043.227	223151.990
21 2	123	12-41-32	120-35-19	1404229.656	238121.888
22 3	123	12-34-20	123-30-16	1391042.803	214329.440
23 4	123	12-38-57	120-22-12	1399689.788	214329.441

24 to point 1, the point of beginning.

25 **SEC. 6. Definition of Terms.** - The following terms are hereby defined for  
26 the purposes of this Act:

1 (a) "Biodiversity" shall refer to variety and variability among living  
2 organisms and the ecological complexes in which said organisms occur.

3 (b) "Buffer Zones" are the identified areas outside the boundaries of and  
4 immediately adjacent to the designated ARNP that need special development  
5 control in order to avoid or minimize harm to the ARNP.

6 (c) "Collection or collecting" is the act of gathering or harvesting wildlife, its  
7 by-products or derivatives.

8 (d) "Commercial fishers/fisherfolk" shall refer to persons who catch fish  
9 and other fishery products using fishing vessels of more than three (3) gross  
10 tons.

11 (e) "Conservation" shall mean the sustainable utilization of wildlife, and/or  
12 maintenance, restoration and enhancement of the habitat.

13 (f) "Ecosystem" shall mean the dynamic complex of plant, animal and  
14 micro-organism communities and their non-living environment interacting as a  
15 functional unit.

16 (g) "Endangered species" shall refer to species or subspecies that is not  
17 critically endangered but whose survival in the wild is unlikely if the causal factors  
18 continue operating.

19 (h) "Exotic species" shall refer to species or subspecies of flora or fauna  
20 that do not naturally occur within the ARNP at present or in historical time.

21 (i) "Fishers/Fisherfolk" shall refer to people directly or personally engaged  
22 in taking and/or culturing and processing fishery and/or aquatic resources. They  
23 shall also include traditional fishers who are solely dependent on fishing in ARNP  
24 for sustenance and livelihood.

25 (j) "Fishing Gear" shall refer to any instrument or device and its  
26 accessories utilized in taking, catching, gathering, killing, hunting, destroying,  
27 disturbing, removing or possessing resources within the ARNP.

1 (k) "Habitat" shall mean a place or type of environment where a species or  
2 subspecies naturally occurs or has naturally established its population.

3 (l) "Hunting" shall refer to collection of wild fauna for food and/or  
4 recreational purposes with the use of weapons such as guns, bow and arrow,  
5 spear and the like.

6 (m) "Introduction" shall mean bringing species into the wild that is outside  
7 its natural habitat.

8 (n) "Kayakas" shall refer to the fishing method known as the local version  
9 of the muro-ami but smaller in size, using bamboo or trunk trees as scaring  
10 devices aside from coconut or other leaves or materials to drive the fishes and  
11 other marine resources out of the coral reefs while at the same time pounding the  
12 corals.

13 (o) "Litter or Littering" shall refer to the disposal of small amount of non-  
14 biodegradable solid waste materials, such as cigarette butts, candy wrappers,  
15 plastic bags, bottles, glasses, in the ARNP which may cause or contribute to the  
16 deterioration of the resources or habitats in the ARNP.

17 (p) "Management plan" shall refer to the fundamental plan, strategy and/or  
18 scheme which shall guide all activities relating to the ARNP in order to attain the  
19 objectives of this Act.

20 (q) "Municipal fishers/fisherfolk" shall refer to persons who catch fish and  
21 other fishery products using fishing vessels of three (3) gross tons or less, or  
22 whose fishing does not require the use of fishing vessels.

23 (r) "Muro-ami" shall refer to the method used in reef fishing consisting of a  
24 movable bagnet, detachable wings and scarelines having plastic strips  
25 and/iron/steel/stone weights, effecting fish capture by spreading the net in an arc  
26 around reefs or shoals and: with the use of the scarelines, a cordon of people

1 drive the fish towards the waiting net while pounding the corals by means of  
2 heavy weights like iron/steel/stone or rock making it destructive to corals.

3 (s) "National Integrated Protected Areas System (NIPAS)" shall refer to  
4 the classification and administration of all designated protected areas to maintain  
5 essential ecological processes and life-support systems, to preserve genetic  
6 diversity, to ensure sustainable use of resources found therein, and to maintain  
7 their natural conditions to the greatest extent possible.

8 (t) "Natural Park" shall refer to a relatively large area not materially altered  
9 by human activity where extractive resource uses are not allowed and  
10 maintained to protect outstanding natural and scenic areas of national or  
11 international significance for scientific, education and recreational use.

12 (u) "Non-Government Organization (NGO)" shall refer to an agency,  
13 institution, a foundation or a group of persons whose purpose is to assists  
14 peoples organizations/associations in various ways including, but not limited to,  
15 organizing, education, training, research and/or resource accessing.

16 (v) "Non-Renewable Resources" shall refer to those resources that cannot  
17 be re-made, re-grown or regenerated on a scale comparative to its consumption.

18 (w) "People's Organization" shall mean a group of organized migrant  
19 communities and or interested indigenous peoples which may be an association,  
20 cooperative, federation, or other legal entity, established to undertake collective  
21 action to address community concerns and needs, and mutually share the  
22 benefits of the endeavor.

23 (x) "Poaching" shall refer to fishing or operating any fishing vessel,  
24 gathering and/or purchase or possession of any fishery products within Philippine  
25 waters by any foreign person, corporation or entity.

26 (y) "Protected Area" shall refer to the identified portions of land and/or  
27 water set aside by reason of their unique physical and biological significance,

1 managed to enhance biological diversity and protected against destructive  
2 human exploitation.

3 (z) "Protected Area Management Board (PAMB)" shall refer to a multi-  
4 sectoral policy-making body for protected areas created in accordance with RA  
5 7586 or the NIPAS Act of 1992.

6 (aa) "Protected Species" shall refer to any plant or animal declared  
7 protected under Philippine laws, rules, and regulations. These shall include all  
8 species listed under the *Convention on International Trade in Endangered*  
9 *Species of Wild Fauna and Flora (CITES)* and all its Appendices, the *Bonn*  
10 *Convention on Migratory Species*, those specified under the red-list categories of  
11 the International Union for the Conservation of Nature and Natural Resources  
12 (IUCN), or any plant or animal which any government agency and/or the ARNP  
13 may deem necessary for conservation and preservation in the ARNP.

14 (bb) "Purse Seine" shall refer to the gear characterized by encircling net  
15 having a line at the bottom passing through rings attached to the net, which can  
16 be drawn or pursed. In general, the net is set from a boat or boats around the  
17 school of aquatic resources. The bottom of the net is pulled closed with a purse  
18 line. The net is then pulled aboard the boat or boats until the resources are  
19 concentrated in the bunt or bag.

20 (cc) "Resources" shall refer to all natural endowments, whether aquatic or  
21 terrestrial, living or non-living, found in ARNP.

22 (dd) "Vessel" includes every description of watercraft, including non-  
23 displacement crafts and seaplanes, used or capable of being used as a means of  
24 transportation on water. It shall include everything found therein, except personal  
25 effects.

1 (ee) "Waste" shall refer to discarded items of solid, liquid, contained  
2 gaseous or semisolid from, and from whatever source, which may cause or  
3 contribute to the deterioration of the resources or habitats in the ARNP.

4 **SEC. 7. Creation and Composition of the Apo Reef Natural Park**  
5 **Management Board.** – Pursuant to Section 11 of RA 7586 or the NIPAS Act of  
6 1992, there shall be a PAMB which shall have jurisdiction, power and authority  
7 over the ARNP for all matters that may affect biodiversity conservation,  
8 protection and sustainable development. It shall be composed of:

9 (1) The Regional Executive Director, DENR Region 4B as Chair  
10 Chairperson;

11 (2) The Provincial Planning and Development Officer/Coordinator;

12 (3) The Mayor of the Municipality of Sablayan or his duly designated  
13 representative;

14 (4) One (1) representative chosen from among the coastal barangays in  
15 the municipality of Sablayan;

16 (5) One (1) representative from each department or national government  
17 agency directly involved in the ARNP or with long term projects or permanent  
18 facility located therein;

19 (6) At least three (3) representatives from accredited NGOs operating  
20 within Sablayan chosen from among themselves in a meeting duly called for the  
21 purpose;

22 (7) At least two (2) representatives from accredited POs operating within  
23 Sablayan chosen from among themselves in a meeting duly called for the  
24 purpose.

25 Every member of the PAMB shall serve for a term of five (5) years and  
26 shall be considered to represent his or her sector and deemed to carry the vote

1 of such sector in all matters. In case of members who are government official, the  
2 membership shall be attached to the office held.

3 Each member of the ARNP shall serve for a term of five (5) years and  
4 shall be considered to represent his or her sector and deemed to carry the vote  
5 of such sector in all matters. In the case of members who are government  
6 officials, the term of office shall be attached to the office held.

7 The members of the PAMB shall be appointed by the Secretary of the  
8 DENR in conformity with the provisions of the NIPAS Act. As a transitory  
9 provision, the initial members of the PAMB shall be nominated from the current  
10 members of the interim PAMB. Their nominations shall be conducted in a joint  
11 meeting of the current members of the interim PAMB duly called for the purpose:  
12 Provided, That at least one-third (1/3) of the members thereof shall be women.

13 In the selection of the representatives of POs and NGOs, preference shall  
14 be accorded to those organizations that are involved in the conservation,  
15 protection and development of the ARNP.

16 Representation shall be by institution and shall aim to achieve balance in  
17 representation by geographic location or areas.

18 The representatives from the local government units (LGUs) and national  
19 agencies in the PAMB shall include among their duty, to inform their respective  
20 constituents, office or sector, of PAMB approved or other relevant policies, rules,  
21 regulations, programs and projects and ensure that the provisions of this Act are  
22 observed, complied with and used as reference and framework in their respective  
23 plans, policies, programs and projects. Failure to comply with the foregoing shall  
24 subject such representative to disciplinary action as the PAMB may provide.

25 The members of the Board shall not receive any salary but shall be  
26 entitled to reimbursements for actual and necessary expenses incurred, either in  
27 their attendance in meeting of the Board or in connection with other official



1 business authorized by a resolution of the Board, subject to existing rules and  
2 regulations.

3 **SEC. 8. Powers and Functions of the PAMB.** – The PAMB shall have  
4 the following powers and functions in addition to those provided under the  
5 NIPAS Act of 1992 and its Implementing Rules and Regulations:

6 (a) Issue rules and regulations to prohibit acts that may be prejudicial to  
7 the ARNP and to the declaration of policy set forth under the NIPAS Act;

8 (b) Issue rules and regulations for the resolution of conflicts through  
9 appropriate and effective means;

10 (c) Issue rules and regulations for the discipline and removal of its officers  
11 and members;

12 (d) Adopt rules and procedures in the conduct of business, including the  
13 creation of committees to which its powers may be delegated;

14 (e) Approve the management plan and oversee the office of the Protected  
15 Area Superintendent (PASu);

16 (f) Establish criteria and set fees for the issuance of permits for activities  
17 regulated by this Act or the management plan;

18 (g) Recommend the deputization of appropriate individuals for the  
19 enforcement of the laws, rules and regulations governing the conduct or  
20 management of the ARNP;

21 (h) Approve fees and charges in accordance with existing  
22 guidelines/policies and raise funds for the ARNP;

23 (i) Manage the allocation of the ARNP and other funds for the ARNP,  
24 ensure their proper administration, and render accounting; and

25 (j) Recommend appropriate policy changes to the DENR and other  
26 government authorities.

1           The DENR, through the Regional Executive Director (RED), shall ensure  
2 that the PAMB acts within the scope of its powers and functions. In case of a  
3 conflict between administrative orders issued by the DENR pursuant to the  
4 NIPAS Act and the issued by PAMB, the Secretary of the DENR shall decide  
5 whether to apply the rule or withdraw its application.

6           **SEC. 9. *Incentives of PAMB members.*** – In addition to actual and  
7 necessary traveling and subsistence expenses incurred in the performance of  
8 their duties, PAMB members may be granted allowances and insurance  
9 coverage in attending Board meetings. These expenses may be included in the  
10 budget for the ARNP.

11           **SEC. 10. *Protected Area Superintendent (PASu) Office.*** – There is  
12 hereby established a PASu Office in charge of the implementation of the  
13 projects, programs and policies for the management, protection and  
14 administration of the ARNP. It will be headed by a Protected Area  
15 Superintendent (PASu) and shall be supported by the existing personnel of the  
16 DENR. The PASu shall be Chief Operating Officer of the ARNP and shall be  
17 accountable to the RED of the DENR and the PAMB. The PASu shall have the  
18 following duties and responsibilities in addition to those provided under existing  
19 laws and regulations:

20           (a) Establish, operate and maintain a database management system as  
21 decision support tool;

22           (b) Prepare and execute the management plan for the ARNP;

23           (c) Provide a secretariat for the ARNP and supply the PAMB with all the  
24 information necessary to make appropriate decisions for the implementation of  
25 this Act;

26           (d) Enforce the laws, rules and regulations relevant to the ARNP and  
27 assist in the prosecution of offenses;

1 (e) Supervise all activities within the ARNP to ensure its conformity with  
2 the management plan;

3 (f) Ensure the integration of the ARNP management policies, regulations,  
4 programs and projects at all the concerned national and local government unit  
5 levels;

6 (g) Recommend to the DENR the issuance of permits based on terms,  
7 conditions and criteria established by the PAMB; and

8 (h) Perform other functions as the PAMB may delegate.

9 The PASu shall be supported by a sufficient number of personnel who  
10 shall be performing day to day management, protection and administration of the  
11 ARNP. All position titles and items of the DENR employees detailed with the  
12 ARNP at the time of the effectivity of this Act shall be transferred to form part of  
13 the PASu Office.

14 **SEC. 11. Seasonal Fishing Privileges.** – Fishers who migrate to ARNP  
15 seasonally for traditional fishing and other activities that have benign impact on  
16 the sustainability and biodiversity of the reef shall be allowed to continue such  
17 activities: *Provided, That commission of any of the prohibited acts herein or*  
18 *failure to report such acts when observed shall cause the cancellation of such*  
19 *rights.*

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

1           **SEC. 12. *Special Prosecutors and Counsels.*** – The Department of  
2 Justice, upon recommendation of the PAMB, shall designate special prosecutors  
3 from among state and public prosecutors to do preliminary investigation and  
4 prosecute violations of this Act, other laws, rules and regulations within the  
5 ARNP. Such special prosecutors shall coordinate with the PAMB and the PASu  
6 in the performance of his/her duties and assist in the training of wardens and  
7 rangers in arrest and criminal procedure. The PAMB shall periodically submit an  
8 evaluation of the performance of the designated special prosecutors to the DOJ.

9           **SEC. 13. *Unauthorized Entry, Enjoyment or Use.*** – No person or entity  
10 shall enter, enjoy or utilize any portion of the ARNP and the resources therein for  
11 whatever purpose without prior permission from the PAMB as herein provided.

12           The ARNP shall be off limits to navigation, except for activities that are  
13 sanctioned by the PAMB such as, but not limited to, tourism and research.  
14 Except in emergency situations, it shall be unlawful to enter ARNP without prior  
15 permission from the PAMB or the PASu as herein provided. It shall also be  
16 unlawful to enter, enjoy or use for any purpose any prohibited management zone.  
17 This rule shall similarly apply to the use of vessels, gears and equipment in  
18 management zones where such are not allowed.

19           Violation of this Section shall subject the responsible person or entity to an  
20 administrative fine of from Fifty Thousand Pesos (P50,000.00) to One Hundred  
21 Thousand Pesos (P100,000.00), as may be determined by the PAMB. If the  
22 violator is a commercial fisher/fisherfolk, the fine shall be Five Hundred  
23 Thousand Pesos (P500,000.00).

24           **SEC. 14. *Damages to the Reef.*** – Damages to the reef shall subject the  
25 responsible person or entity to the payment of administrative fines set by the  
26 PAMB based on current valuation standards and to the payment of the cost of  
27 restoration.

1       **SEC. 15. *Non-payment of Users' Fees.*** – It shall be unlawful for any  
2 person or entity to enjoy or utilize the ARNP and the resources therein without  
3 payment of conservation fees as may be imposed by the PAMB.

4       Violators of this Section shall, in addition to the payment of the  
5 conservation fee, pay the administrative fine of double the amount of the  
6 conservation fee set by the PAMB for the activity undertaken.

7       **SEC. 16. *Anchoring.*** – It shall be unlawful for any person or entity to hold  
8 fast or secure a vessel in place either by using an anchor or by tying on to any  
9 part of the reef. All vessels shall utilize the mooring buoys provided by the ARNP.  
10 Violation of this Section shall be penalized with an administrative fine of not less  
11 than Ten Thousand Pesos (P10,000.00) and not more than Fifty Thousand  
12 Pesos (P50,000.00).

13       **SEC. 17. *Dumping of Waste and Littering.*** – It shall be unlawful for any  
14 person or entity to dump waste inside the ARNP. It shall likewise be unlawful to  
15 clean and change oil of vessels within the ARNP.

16       Violation of this provision shall be punishable by imprisonment of six (6)  
17 months to one (1) year, and fine of not less than Five Thousand Pesos  
18 (P5,000.00). The PAMB shall impose an administrative fine of not less than Fifty  
19 Thousand Pesos (P50,000.00) and not more than One Hundred Thousand  
20 Pesos (P100,000.00), and order the violator to clean up the waste or pay for the  
21 clean-up thereof.

22       It shall likewise be unlawful to litter within the ARNP.

23       Violation of this provision shall be penalized by the PAMB with  
24 administrative fine of from Five Thousand Pesos (P5,000.00) to Ten Thousand  
25 Pesos (P10,000.00).

1           **SEC. 18. *Bioprospecting without Permit.*** – It shall be unlawful to  
2 conduct bioprospecting within the ARNP without prior permit from the PAMB and  
3 other concerned agencies.

4           Violation of this Section shall be punished with imprisonment of six (6)  
5 months to six (6) years; fine of Five Hundred Thousand Pesos (P500,000.00) to  
6 One Million Pesos (P1,000,000.00); and forfeiture of the resources subject of the  
7 offense, equipment, gears and vessels. The PAMB shall also impose  
8 administrative fine ranging from Five Hundred Thousand Pesos (P500,000.00) to  
9 One Million Pesos (P1,000,000.00); and confiscation and forfeiture of the  
10 resources subject of the offense, equipment, gears and vessels.

11           **SEC. 19. *Introduction of Exotic Species.*** – It shall be unlawful to  
12 introduce exotic species of plants or animals into the ARNP.

13           Violation of this Section shall be punished with imprisonment of six (6)  
14 months to six (6) years; fine of One Hundred Thousand Pesos (P100,000.00) to  
15 One Million Pesos (P1,000,000.00); and forfeiture of forfeiture of the resources  
16 subject of the offense, equipment, gears and vessels. The PAMB shall also  
17 impose administrative fine ranging from Two Hundred Thousand Pesos  
18 (P200,000.00) to One Million Pesos (P1,000,000.00); and confiscation and  
19 forfeiture of the resources subject of the offense, equipment, gears and vessels.

20           **SEC. 20. *Hunting, catching, fishing, killing, taking, gathering,***  
21 ***removing, destroying, disturbing, or possessing resources. Hunting,***  
22 ***catching, fishing, killing, taking, gathering, removing, destroying,***  
23 ***disturbing, or possessing resources.*** – Except in cases of emergency and  
24 safety, it shall be unlawful for any person to actually or attempt to hunt, catch,  
25 fish, kill, take gather, remove, destroy, disturb, or possess any resource, whether  
26 living or non-living, or products derived therefrom, without a permit from the  
27 PAMB and such other permits as may be required by law, rules and regulations.

1 The unauthorized entry of a vessel in the ARNP shall be prima facie evidence of  
2 violation of this Section.

3 Violation of this Section shall be punished as follows:

4 (1) Where the offender uses explosives, noxious or poisonous  
5 substances, the penalty shall be imprisonment ranging from six (6) years and  
6 one day to twelve (12) years without prejudice to the filing of separate criminal  
7 cases when the use of the same result to physical injury or loss of human life;  
8 fine ranging from One Hundred Thousand Pesos (P100,000.00) to Three  
9 Hundred Thousand Pesos (P300,000.00); forfeiture of the resources subject of  
10 the offense, equipment, gears and vessels. The PAMB shall also impose  
11 administrative fine ranging from Forty Thousand Pesos (P40,000.00) to One  
12 Hundred Fifty Thousand Pesos (P150,000.00); and confiscation and forfeiture of  
13 the resources subject of the offense, equipment, gears and vessels.

14 The discovery of dynamite, other explosives and chemical compounds  
15 which contain combustible elements, or noxious or poisonous substances in any  
16 vessel or in the possession of any person within the ARNP shall constitute prima  
17 facie evidence that the same was used in violation of this Act. The discovery in  
18 any vessel or in the possession of any person within the ARNP of resources  
19 caught, taken, killed, removed, gathered or destroyed with the use of explosives,  
20 noxious or poisonous substances shall constitute prima facie evidence of  
21 violation of this Act.

22 (2) Where the offender merely possesses explosive, noxious or poisonous  
23 substances, within the ARNP, the punishment shall be imprisonment ranging  
24 from six (6) years and one day to twelve (12) years; fine ranging from Fifty  
25 Thousand Pesos (P50,000.00) to One Hundred Thousand Pesos (P100,000.00);  
26 forfeiture of fish catch, fishing equipment and vessels. The PAMB shall also  
27 impose administrative fine ranging from Forty Thousand Pesos (P40,000.00) to

1 One Hundred Fifty Thousand Pesos (P150,000.00); and confiscation and  
2 forfeiture of the resources subject of the offense, equipment, gears and vessels.

3 (3) Where the offender takes, removes, fishes, gathers, kills, destroys or  
4 possesses corals, except for scientific or research purposes authorized by the  
5 PAMB, the penalty shall be imprisonment ranging from six (6) years and one day  
6 to twelve (12) years; fine ranging from Twenty Thousand Pesos (P20,000.00) to  
7 Eighty Thousand Pesos (P80,000.00); forfeiture of the corals, equipment, gears  
8 and vessels. The PAMB shall also impose administrative fine ranging from Thirty  
9 Thousand Pesos (P30,000.00) to One Hundred Thousand Pesos (P100,000.00);  
10 and confiscation and forfeiture of the corals subject of the offense, equipment,  
11 gears and vessels.

12 (4) Where the offender uses any fishing gear or method that destroys  
13 coral reefs, seagrass beds, or other marine life habitats as may be determined by  
14 this Act, the PAMB, other laws, the Department of Agriculture, or the DENR, the  
15 operator, boat captain, master fisherman, and recruiter or organizer of  
16 fishworkers involved shall suffer a penalty of six (6) years and one day to twelve  
17 (12) years imprisonment; fine of not less than One Hundred Thousand Pesos  
18 (P100,000.00) to Five Hundred Thousand Pesos (P500,000.00); forfeiture of  
19 catch, fishing equipment, gears and vessels. The PAMB shall also impose  
20 administrative fine ranging from Four Hundred Thousand Pesos (P400,000.00) to  
21 One Million Pesos (P1,000,000.00); and confiscation and forfeiture of catch,  
22 fishing equipment, gears and vessels.

23 (5) Where the offender gathers or removes pebbles, stones, rocks, sand  
24 or other materials or otherwise engages in the quarrying or dredging of any  
25 portion of the ARNP, the penalty shall be six (6) years and one day to twelve (12)  
26 years imprisonment; fine of not less than Thirty Thousand Pesos (P30,000.00) to  
27 Five Hundred Thousand Pesos (500,000.00); and forfeiture of the substance



1 taken from the habitat, and the equipment and vessels used to commit such  
2 violation. The PAMB shall also impose administrative fines ranging from Thirty  
3 Thousand Pesos (P30,000.00) to Seven Hundred Thousand Pesos  
4 (P700,000.00); and confiscation and forfeiture of the substance taken, and  
5 equipment and vessels used in the commission of the violation.

6 Muro-Ami, pa-aling, all kinds of trawls (galadgad, Norway), purse seine  
7 (pangulong), Danish seine (hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba,  
8 palisot, patungko, bira-biru, buli-buli, hulahoop, zipper, lampornas, etc.), ring net  
9 (kubkob, pangulong, kalansisi), drive-in net (kayaltas), round haul seine (sapyaw,  
10 lawag), motorized push net (sudsad), bagnet (basnig, saklit), or any of their  
11 variations, are hereby declared destructive fishing methods or gears under this  
12 provision.

13 (6) Where the offender gathers or removes pebbles, stones, rocks, sand  
14 or other materials that form part of the habitat, or otherwise engages in the  
15 quarrying or dredging of any portion of the ARNP, the penalty shall be six (6)  
16 years and one day to twelve (12) years imprisonment; fine of not less than Thirty  
17 Thousand Pesos (P30,000.00) to Five Hundred Thousand Pesos (500,000.00);  
18 and forfeiture of the substance taken from the habitat, and the equipment and  
19 vessels used to commit such violation. The PAMB shall also impose  
20 administrative fines ranging from Thirty Thousand Pesos (P30,000.00) to Seven  
21 Hundred Thousand Pesos (P700,000.00); and confiscation and forfeiture of the  
22 substance taken, and equipment and vessels used in the commission of the  
23 violation.

24 (7) Where the subject of the offense are protected species as defined in  
25 this Act, the penalty shall be imprisonment of twelve (12) years to twenty (20)  
26 years; fine of One Hundred Twenty Thousand Pesos (120,000.00) to One Million  
27 Pesos (P1,000,000.00) for every threatened or endangered organism subject of

1 the offense; forfeiture of the catch, equipment, gears and vessels; and  
2 cancellation of fishing permit. The PAMB shall also impose administrative fine  
3 ranging from One Hundred Fifty Thousand Pesos (P150,000.00) to One Million  
4 Pesos (P1,000,000.00) for every threatened or endangered organism subject of  
5 the offense; and confiscation and forfeiture of catch, equipment, gears and  
6 vessels.

7 (8) Where the violations of this Section are not covered by the preceding  
8 paragraphs, the penalty shall be imprisonment of one (1) year to three (3) years;  
9 fine of not less than Ten Thousand Pesos (P10,000.00) but not more than One  
10 Hundred Thousand Pesos (P100,000.00); and forfeiture of the catch, equipment,  
11 gears and vessels; and cancellation of permit that makes it possible for the  
12 offender to commit the offense. The PAMB shall also impose administrative fine  
13 ranging from Fifteen Thousand Pesos (P15,000.00) to One Million Pesos  
14 (P1,000,000.00); and confiscation and forfeiture of catch, equipment, gears and  
15 vessels.

16 **SEC. 21. Poaching by Foreigners.** – It shall be unlawful for any foreign  
17 person, corporation or entity to fish or operate any fishing vessel in the ARNP.  
18 The entry of any foreign fishing vessel in the ARNP shall constitute prima facie  
19 evidence that the vessel is engaged in fishing in the area. The presence of any  
20 foreign national in a fishing vessel of either Philippine or foreign registry in ARNP  
21 shall be prima facie evidence that the vessel is engaged in fishing in the Park.

22 Violation of the above shall be punished by imprisonment of six years and  
23 one day to twelve years (12) years and a fine of One Hundred Thousand US.  
24 Dollars (US\$100,000.00), in addition to the forfeiture of its catch, fishing  
25 equipment and fishing vessel: Provided, That in case of non-payment of fine,  
26 subsidiary imprisonment shall be imposed: Provided, further, That the PAMB is  
27 empowered to impose an administrative fine of not less than Fifty Thousand US.

1 Dollars (US\$50,000.00), but not more than Two Hundred Thousand US. Dollar  
2 (US\$200,000.00) or its equivalent in Philippine Currency, in addition to the  
3 confiscation and forfeiture of the fish catch, fishing equipment and fishing vessel:  
4 Provided, finally, That a bond may be posted for the vessels which shall not be  
5 less than One Hundred Thousand Dollars (US\$100,000.00).

6 A Hold Departure Order shall be issued as a condition for the grant of bail  
7 to any foreign offender. All passports and documents which may be used by the  
8 accused to flee the country must be surrendered to the court.

9 **SEC. 22. Violation of Environmental Impact Assessment System. –**

10 The PAMB shall prosecute violations of laws and rules on Environmental Impact  
11 Assessment System. Such violations shall be punished by imprisonment of three  
12 (3) years to five (5) years; fine of One Hundred Thousand (P100,000.00) for  
13 every day each violation subsists; rehabilitation of the affected area or the  
14 amount equivalent thereto; and forfeiture of the vessels, structures, effects,  
15 materials and equipment used, and the products of such violation. If the offender  
16 is a corporation, the directors and officers shall suffer the imprisonment. The  
17 PAMB shall also impose administrative fine of One Hundred Thousand  
18 (P100,000.00) for every day each violation subsists; rehabilitation of the affected  
19 area or the amount equivalent thereto; and confiscation and forfeiture of the  
20 vessels, structures, effects, materials and equipment used, and the products of  
21 such violation.

22 **SEC. 23. Violation of Standards. –** The owner, operator and top three (3)  
23 officers of any vessel violating the standards set by the PAMB, such as, but not  
24 limited to, safety and sanitation standards, shall suffer administrative penalty of  
25 fine ranging from Twenty Thousand Pesos (P20,000.00) to Fifty Thousand Pesos  
26 (P50,000.00) for every day each violation subsists, and from suspension of three  
27 (3) months to cancellation of permit to operate in ARNP.

1           **SEC. 24. *Obstruction to Law Enforcement Officer.*** – The boat owner,  
2 master, operator, officer, or any person acting on his/her behalf, of any vessel  
3 who evades, obstructs or hinders any law enforcement officer in the ARNP to  
4 perform his/her duty, shall be administratively fined *Fifty Thousand Pesos*  
5 (P50,000.00). In addition, the registration, permit and/or license of the vessel  
6 including the license of the officers thereof shall be canceled.

7           **SEC. 25. *Subsidiary Imprisonment.*** – Non-payment of judicial fines  
8 imposed under this Act shall be subject to subsidiary imprisonment as provided  
9 for by existing laws.

10           **SEC. 26. *Fines and Forfeitures.*** – All administrative fines and forfeitures  
11 that may be imposed by the PAMB under this Act, and the rules and regulations  
12 that may be promulgated in pursuit of the goals and objectives of this Act shall  
13 form part of the funds and assets of ARNP.

14           In case of administrative confiscation or forfeiture of vessels, structures,  
15 effects, materials and equipment and the same is not necessary for the proper  
16 prosecution of the offense charged, the PAMB may sell the *forfeited vessels,*  
17 *structures, effects, materials and equipment* in a public auction. Proceeds of the  
18 said sale shall accrue to the ARNP created under this Act.

19           In case the confiscated vessels, structures, effects, materials and  
20 equipment are in custodia legis, the PAMB or its counsel, after proper  
21 proceedings may move for the sale of the confiscated or forfeited vessels,  
22 structures, effects, materials and equipment *pendente lite*: *Provided, That the*  
23 *said vessels, structures, effects, materials and equipment* is no longer necessary  
24 for the proper prosecution of the offense or if the same is necessary but  
25 substitute evidence is accepted by the court. The proceeds of the said sale shall  
26 likewise accrue to the ARNP Fund created under this Act.

1           **SEC. 27. *Violation of Other Laws.*** – Prosecution for violation of this Act  
2 shall be without prejudice to the prosecution of the offender for violation of other  
3 laws, rule and regulations.

4           **SEC. 28. *The ARNP Trust Fund.*** – There is hereby established a trust  
5 fund to be known as ARNP Trust Fund for purposes of financing projects of the  
6 ARNP. All income generated from the operation of the ARNP or management of  
7 wild flora and fauna therein shall accrue to said fund. These income shall be  
8 derived from visitor/tourist fees, fees from permitted sale and export of flora and  
9 fauna and other resources from the ARNP, proceeds from registration and lease  
10 of multiple-use areas, including tourism concessions, contributions from  
11 industries and facilities directly benefiting from the ARNP; and such other fees  
12 and income derived from the operation of the ARNP.

13           The ARNP Trust Fund may be augmented by grants, donations,  
14 endowment from various sources, domestic or foreign, for purposes related to  
15 their functions: Provided, That seventy-five percent (75%) of all such collections  
16 shall be set aside and retained by the PAMB of ARNP, which shall appropriate  
17 the same exclusively for the management and operation of the ARNP: Provided,  
18 further, That the remaining twenty-five percent (25%) shall be remitted to the  
19 National Treasury.

20           The PAMB shall have the sole power to decide on the use of its funds  
21 from whatever source.

22           Donations, grants and endowments to ARNP shall be exempt from the  
23 donor's tax and the same shall be considered as allowable deductions from the  
24 gross income in the computation of the income tax of the donor.

25           **SEC. 29. *Utilization of Resources.*** – Any exploitation or utilization of  
26 non-renewable resources within the ARNP shall not be allowed. Energy projects  
27 within the ARNP shall be allowed only through an act of Congress, except energy

1 from wind, sun, and water sources and not more than one (1) megawatt capacity  
2 for mini-hydro power: Provided, That these renewable energy projects are  
3 established outside the strict protection zone, adopt reduced impact technologies  
4 and undergo the Environmental Impact Assessment (EIA) system as provided by  
5 law: Provided, further, That the endorsement of the PAMB has been obtained.

6       **SEC. 30. Appropriations.** – The Secretary shall immediately include in  
7 the DENR's program the implementation of this Act, the funding of which shall be  
8 included in the annual General Appropriations Act.

9       **SEC. 31. Construction and Suppletory Application of Existing Laws.**  
10 – The provisions of this Act shall be construed liberally in favor of achieving  
11 biodiversity conservation, protection and sustainable development. Provisions of  
12 Republic Act No. 7586, otherwise known as the National Integrated Protected  
13 Areas Management Act of 1992 and existing forestry laws, and their  
14 corresponding rules and regulations not inconsistent hereto shall have the  
15 suppletory effect in the implementation of this Act

16       **SEC. 32. Repealing Clause.** – For the purpose of this Act. Sections 11,  
17 15, 20 and 21 of Republic Act No. 7586 are hereby modified. All other laws, rules  
18 and regulations inconsistent with the act are hereby repealed or modified  
19 accordingly. The prohibition and penalties under Republic Act No. 7586 are  
20 hereby superseded for the entire area covered by this Act.

21       **SEC. 33. Separability Clause.** – The provisions of this Act are hereby  
22 declared to be separable, and in the event one or more of such provisions are  
23 held unconstitutional, the validity of other provisions shall not be affected thereby.

24       **SEC. 34. Effectivity Clause.** – This Act shall be translated in English and  
25 Filipino, within thirty (30) days from the date of approval hereof. It shall be  
26 published once a week for three (3) consecutive weeks in a newspaper of  
27 general circulation readily available in the areas in and around the score

1 specified herein. It shall likewise be conspicuously posted simultaneously in the  
2 provincial, municipal and barangay halls within the area as well as in three (3)  
3 other places frequented by the public. Fifteen (15) days after the last publication  
4 and posting, this Act shall have full force and effect.

5 *Approved,*