

Pursuant to this policy, the State shall:

(a) preserve the ecosystems in their natural state in the lowlands, forests, mangroves, lakes, coral reefs or seagrass beds;

(b) preserve and maintain genetic resources and ecological diversity including, but not limited to, salt water crocodile, green sea turtle, tarsier, dolphin, *Dugong dugon* (sea cow), sea eagle, Brahminy Kite and Rufous Hornbill;

(c) provide education, research and environmental monitoring, recreation and tourism, and alternative economic opportunities to optimize the use of resources on a sustainable basis; and

(d) foster partnership between and among government and nongovernment organizations (NGOs), local community organizations and concerned private organizations.

SEC. 3. *Scope and Coverage.*— The Siargao and Bucas Grande Islands Protected Landscape and Seascape shall cover certain lands and waters in the municipalities of Burgos, Dapa, Del Carmen, General Luna, Pilar, San Benito, San Isidro, Sta. Monica and Socorro located in the islands of Siargao and Bucas Grande, Province of Surigao del Norte, with the following technical description:

(a) Landscape. — The protected landscape covers four (4) blocks with an aggregate area of fourteen thousand three hundred thirty-eight (14,338) hectares, as follows:

BLOCK 1

CORNER	LONGITUDE			LATITUDE		
	Deg.	Min.	Sec.	Deg.	Min.	Sec.

1	125	56	59.3880	9	50	26.6604
2	125	57	45.3528	9	50	58.8192
3	125	58	08.7312	9	50	55.1148

1	4	125	58	50.4804	9	50	55.1400
2	5	125	59	10.5576	9	51	04.6908
3	6	125	59	31.6320	9	50	25.0728
4	7	125	58	31.2060	9	49	23.6496
5	8	125	59	16.6272	9	48	03.2148
6	9	125	59	47.7636	9	48	11.6208
7	10	126	00	09.8388	9	48	09.8208
8	11	126	00	01.7172	9	48	25.0812
9	12	126	00	06.3972	9	49	34.7412
10	13	126	00	39.6612	9	50	24.6336
11	14	126	00	28.3428	9	50	51.6912
12	15	126	00	36.0684	9	51	06.8544
13	16	126	00	06.5772	9	51	34.0344
14	17	126	00	25.6356	9	52	05.4480
15	18	126	00	25.6644	9	52	50.5920
16	19	125	59	49.9776	9	53	07.5444
17	20	125	58	46.9236	9	52	20.7048
18	21	125	58	34.6512	9	51	55.6632
19	22	125	58	19.5060	9	52	05.1600
20	23	125	58	10.1028	9	51	59.3064
21	24	125	58	01.6608	9	52	18.0552
22	25	125	57	40.2840	9	52	37.2504
23	26	125	57	51.5988	9	53	03.9552
24	27	125	58	00.0516	9	53	54.8088
25	28	125	58	41.0124	9	54	01.0476
26	29	125	59	27.4668	9	54	40.2588
27	30	125	59	38.3244	9	55	28.3188
28	31	125	59	51.9432	9	55	54.3828

1 32 125 59 50.8812 9 56 32.0460
 2 33 125 59 44.1564 9 56 48.1776,
 3 containing an approximate area of seven thousand one hundred seventy-nine
 4 (7,179) hectares.

BLOCK 2

CORNER	LONGITUDE			LATITUDE			
	Deg.	Min.	Sec.	Deg.	Min.	Sec.	
6	1	126	0	48.4596	9	49	17.5116
7	2	126	0	46.2564	9	49	58.9944
8	3	126	1	59.1780	9	50	55.1256
9	4	126	1	41.5848	9	51	08.4204
10	5	126	2	12.6096	9	51	37.5804
11	6	126	2	43.9404	9	51	30.9708
12	7	126	2	53.2428	9	52	04.5048
13	8	126	1	57.7200	9	52	25.6080
14	9	126	1	34.0140	9	53	09.9204
15	10	126	2	08.2968	9	53	39.4512
16	11	126	2	29.8356	9	54	18.5616
17	12	126	2	27.6504	9	54	49.5756
18	13	126	3	05.8680	9	55	00.3972
19	14	126	3	47.6280	9	55	38.0208
20	15	126	4	06.2184	9	55	31.9908
21	16	126	4	42.2076	9	56	12.3000
22	17	126	4	58.7208	9	55	42.3984
23	18	126	5	35.7180	9	55	30.0972
24	19	126	5	07.5660	9	54	27.5256
25	20	126	5	17.5596	9	54	05.6376
26	21	126	5	12.3540	9	53	31.0308

1	22	126	4	33.3912	9	53	09.3912
2	23	126	4	13.0188	9	53	19.9680
3	24	126	4	30.8028	9	53	45.8952
4	25	126	3	53.9028	9	54	20.8728
5	26	126	3	24.0948	9	54	09.7884
6	27	126	3	32.2308	9	53	17.8764
7	28	126	3	06.4368	9	52	32.5092
8	29	126	3	43.0416	9	52	03.8532
9	30	126	3	30.8772	9	51	05.2740
10	31	126	3	13.1748	9	50	43.1232
11	32	126	1	40.7244	9	49	56.9064
12	33	126	1	45.4872	9	49	25.2660,

13 containing an approximate area of three thousand four hundred seven (3,407)
 14 hectares.

15

BLOCK 3

CORNER	LONGITUDE			LATITUDE			
	Deg.	Min.	Sec.	Deg.	Min.	Sec.	
16	1	0	5	09.6612	9	52	03.9072
17	2	0	5	54.6432	9	51	03.4776
18	3	0	4	55.2396	9	50	20.2200
19	4	0	5	03.1200	9	49	38.4600
20	5	0	3	40.1112	9	48	49.1652
21	6	0	3	38.0844	9	49	34.1616
22	7	0	3	53.5932	9	49	11.8704
23	8	0	4	01.8156	9	49	18.6528
24	9	0	4	05.1384	9	50	06.6984
25	10	0	4	16.2444	9	50	46.4748
26	11	0	4	13.5120	9	51	91.1908

1	12	0	3	53.5176	9	51	38.5452
2	13	0	4	01.1352	9	51	49.0644
3	14	0	3	58.9392	9	52	02.7696
4	15	0	4	07.3092	9	52	32.4660
5	16	0	4	28.3944	9	52	37.8768
6	17	0	4	41.9700	9	52	33.2112,

7 containing an approximate area of one thousand one hundred forty-nine
8 (1,149) hectares.

9

BLOCK 4

CORNER	LONGITUDE			LATITUDE			
	Deg.	Min.	Sec.	Deg.	Min.	Sec.	
10	1	125	54	16.1640	9	37	26.5980
11	2	125	54	34.1100	9	37	03.1584
12	3	125	54	56.5632	9	37	06.3948
13	4	125	55	39.4896	9	36	15.1812
14	5	125	56	10.6944	9	36	32.4288
15	6	125	56	24.2196	9	36	43.1820
16	7	125	56	38.5404	9	36	43.2900
17	8	125	56	51.0036	9	36	30.5280
18	9	125	57	07.4088	9	36	26.1144
19	10	125	57	20.1672	9	36	10.8792
20	11	125	57	39.3876	9	35	58.6212
21	12	125	58	00.4224	9	35	57.2964,

22 containing an approximate area of two thousand six hundred three (2,603)
23 hectares.

24 (b) Seascape. – The protected seascape covers an approximate area of
25 one hundred forty-seven thousand (147,000) hectares measured from the
26 shoreline extending approximately five (5) kilometers seaward, as follows:

CORNER	LONGITUDE			LATITUDE			
	Deg.	Min.	Sec.	Deg.	Min.	Sec.	
1	1	9	48	24.0840	125	53	08.6712
2	2	9	52	28.3584	125	50	34.3176
3	3	9	52	46.7940	125	45	39.6396
4	4	9	58	27.8580	125	45	58.3488
5	5	9	58	27.8580	125	54	42.2172
6	6	10	06	41.0148	126	02	01.8924
7	7	10	05	59.5356	126	06	05.1156
8	8	9	51	00.7884	126	12	28.6632
9	9	9	33	52.9884	126	13	38.8236
10	10	9	33	06.9012	126	05	27.6972
11	11	9	38	43.3536	126	04	40.9224
12	12	9	38	38.7456	126	02	01.8924
13	13	9	32	30.0300	126	00	14.3136
14	14	9	30	53.2404	125	54	51.5736
15	15	9	36	25.0848	125	50	10.9284

16 The foregoing technical descriptions shall only be modified through
17 an act of Congress, after consultation with the Protected Area Management
18 Board (PAMB) created in Section 6, affected communities, local government
19 units (LGUs) and concerned government agencies.

20 SEC. 4. *Land Classification.* – All lands of the public domain within
21 the coverage and scope of this Act, as described in Section 3 hereof, shall fall
22 under the classification of national park: *Provided, however,* That lands therein
23 already declared by law as agricultural land or classified as alienable or
24 disposable prior to the effectivity of this Act shall remain as such and may be
25 disposed of pursuant to the provisions of Commonwealth Act No. 141 or the
26 Public Land Act, as amended, and other public land laws.

1 SEC. 5. *Definition of Terms.* –

2 (a) “Alienable or disposable lands” refers to lands of the public domain
3 which have been the subject of the present system of land classification and
4 certified as not needed for forestry purposes.

5 (b) “Biodiversity” refers to the variety and variability among all living
6 organisms and the ecological complex in which they occur.

7 (c) “By-product” refers to any part removed or substance extracted
8 from wildlife, in raw or in processed form, and includes stuffed animals and
9 herbarium specimens.

10 (d) “Biodegradable materials” refers to objects that are capable of
11 being degraded or decomposed by microbiological organisms or enzymes.

12 (e) “Collection or collecting” refers to the act of gathering or
13 harvesting wild flora and fauna species and its by-products or derivatives.

14 (f) “Commercial” refers to sale in volume or value in excess of that
15 required to maintain basic subsistence for producers and their dependents.

16 (g) “Commercial fishing” refers to fishing by passive or active gear for
17 trade, business or profit beyond subsistence, utilizing fishing vessels of more
18 than three (3) gross tons.

19 (h) “Conservation” refers to the preservation and sustainable utilization
20 of wildlife and/or maintenance, restoration and enhancement of the habitat.

21 (i) “Critically endangered species” refers to species or subspecies that
22 are facing extremely high risk of extinction in the wild in the immediate future.

23 (j) “Department” refers to the Department of Environment and Natural
24 Resources (DENR).

25 (k) “Ecosystem” refers to the community of plants and animals, their
26 physical environment and the interactions among them.

27 (l) “Ecotourism” refers to a low-impact, environmentally-sound and
28 community-participating tourism activity in a given natural environment that

1 enhances the conservation of biophysical and cultural diversity, promotes
2 environmental understanding and education, and yields socioeconomic benefits
3 to the concerned community.

4 (m) "Endangered species" refers to species or subspecies that is not
5 critically endangered but whose survival in the wild is unlikely if the causal
6 factors for their depletion continue operating including, but not limited to, the
7 following:

8 (1) Fauna: crocodile, green sea turtle, Philippine tarsier, monitor lizard,
9 dolphin, sea cow, wattled broadbill, Brahminy Kite, sea eagle, Rufous
10 Hornbill, Katujjo;

11 (2) Flora: dipterocarp species, mancono (iron wood), fire orchids,
12 pitcher plant, Maribojoc pine.

13 The terms include other species as may be covered by Appendix I and II
14 of the Convention on International Trade of Endangered Species and as may be
15 provided by law, international treaties, administrative orders, and rules and
16 regulations or issuance of a concerned government agency.

17 (n) "Fish and fishery/aquatic products" refers to all fish and other
18 aquatic animals such as mollusks, crustaceans, echinoderms, marine mammals
19 and all other species of aquatic flora and fauna and all other products of
20 aquatic living resources in any form.

21 (o) "Fishing" refers to the act of taking fish, aquatic products or any
22 aquatic flora and fauna from their wild state or habitat, with or without the use
23 of fishing vessels.

24 (p) "Fishing vessel" refers to any boat, ship or other watercraft
25 equipped to be used for fishing or aiding or assisting one or more vessels in the
26 performance of any activity relating to fishing including, but not limited to,
27 preservation, supply, storage, refrigeration, transportation and/or processing.

1 (q) "Forest products" refers to timber, pulpwood, firewood, bark, tree
2 top, resin gum, wood, lumber, oil, honey, beeswax, nipa, rattan or other forest
3 growth such as grass, shrub and flowering plant, the associated water, fish,
4 game, scenic, historical, recreational and geologic resources in forest lands.

5 (r) "Liba-Liba" refers to a fishing gear or any variation thereof,
6 consisting of a conical shaped net with a pair of wings, the ends of which are
7 connected to two (2) ropes with buri, plastic strips or any similar material to
8 serve as scaring or herding device with hauling ropes passing through a
9 metallic ring permanently attached to a tom weight (linggote) when hauled into
10 a fishing boat, also known as hulbot-hulbot or bira-bira in other vernaculars.

11 (s) "Management plan" subject to Section 10, refers to the fundamental
12 plan, strategy and/or scheme which shall guide all activities in the protected
13 area in order to attain the objectives of this Act as stated in Section 2 and shall
14 include all successor plans.

15 (t) "Marginal fisherfolk" refers to fisherfolk who engage in fishing
16 with or without the use of fishing vessels or nonmotorized or motorized fishing
17 vessels powered by a single engine, sixteen (16) horsepower or less.

18 (u) "*Muro Ami*" refers to a fishing gear used in reef fishing which
19 consists of a movable bag net and two (2) detachable wings effecting the
20 capture of fish by spreading the net in arch form around reefs or shoals and,
21 with the aid of scaring devices, driving the fish from the reefs toward the bag
22 portion of the whole net.

23 (v) "Nongovernment organization (NGO)" refers to a nonstock,
24 nonprofit organization with qualifications, expertise and objectivity in
25 undertaking activities concerning community organizing and development,
26 resource and environmental conservation or management and protection.

1 (w) "Nonrenewable resources" refers to resources whose natural
2 replenishment rate is either not known or takes more than twenty-five (25)
3 years.

4 (x) "People's organization (PO)" refers to an association, cooperative,
5 federation or aggrupation of individuals or groups with an identifiable structure
6 of decision-making and accountability, established to undertake collective
7 action to address community concerns and needs.

8 (y) "Protected area permit/license/authority" refers to a limited term
9 privilegè or authority duly granted by the PAMB, Protected Area
10 Superintendent (PASu) or any entity duly authorized to grant the same to a
11 natural or juridical person, or group of persons to utilize an allowed resource
12 or undertake an allowed activity.

13 (z) "Protected landscapes/seascapes" refers to areas of national
14 significance characterized by the harmonious interaction of man and land while
15 providing opportunities for public enjoyment through recreation and tourism
16 within the normal lifestyle and economic activity of these areas.

17 (aa) "Secretary" refers to the Secretary of the DENR.

18 (bb) "Superlight" or "magic light" refers to a type of artificial light
19 produced using halogen or metal halide bulb which may be located above the
20 sea surface or submerged in the water and consisting of a ballast, regulator,
21 electric cable and socket. The source of energy comes from a generator,
22 battery or dynamo coupled with the main engine.

23 (cc) "Sustainability or sustainable" refers to the use of components of
24 biological diversity in a way and at a rate that does not lead to the decline of
25 the species used, thereby maintaining its potential to meet the needs and
26 aspirations of the present and the future Filipino generations.

1 (dd) "Threatened species" refers to species or subspecies considered as
2 critically endangered, endangered, vulnerable or other accepted categories of
3 wildlife whose population is at risk of extinction.

4 (ee) "Timber" refers to wood having an average diameter of at least
5 fifteen (15) centimeters and a length of at least one point five (1.5) meters in its
6 unaltered state, or wood regardless of size sawn or hewn on two (2) or more
7 sides usually referred to as flitch, and all mangrove species regardless of size.

8 (ff) "Vulnerable species" refers to species or subspecies that are not
9 critically endangered or endangered but are under threat from adverse factors
10 throughout their range and are likely to move to the endangered category in the
11 near future.

12 (gg) "Wildlife" refers to wild forms and varieties of flora and fauna in
13 all developmental stages including those in captivity or are being bred or
14 propagated.

15 CHAPTER II

16 PROTECTED AREA MANAGEMENT

17 Article 1

18 Institutional Mechanism

19
20 SEC. 6. *Creation and Composition of the Protected Area Management*
21 *Board (PAMB).* – There is hereby created a PAMB which shall be the highest
22 policy-making body over the protected area and whose power and authority
23 shall include, but not limited to, policy making and granting of permits for all
24 activities that may affect biodiversity conservation, protection and sustainable
25 development.

26 The PAMB shall be composed of the DENR Regional Executive
27 Director (RED) for the Caraga Region or his/her duly designated
28 representative, as chairperson, and the following, as members:

1 (a) The mayors of each municipality or their respective duly designated
2 representative who must be an official of the same municipality;

3 (b) The barangay captains of all barangays affected in each
4 municipality;

5 (c) A minimum of three (3) representatives selected from duly
6 accredited local community organizations through a process that they
7 themselves adopted;

8 (d) A minimum of three (3) representatives selected from among the
9 NGOs operating in the area through a process that they themselves adopted;

10 (e) The provincial planning and development officer or a senior staff of
11 the provincial planning and development office, as may be designated by the
12 provincial governor;

13 (f) The provincial tourism officer or a senior staff of the provincial
14 tourism office, as may be designated by the provincial governor;

15 (g) One (1) representative from each government agency operating in
16 the area, as may be appointed by the members of the PAMB based on their
17 relevance and potential contribution to protected area management; and

18 (h) One (1) representative from the Office of the Congressman of the
19 First Congressional District of the Province of Surigao del Norte.

20 In the selection of local community and NGO representatives,
21 preference shall be accorded to organizations involved in environmental
22 conservation and protection and in development work. The representation of
23 NGOs and local community organizations shall be institutional and shall
24 endeavor to achieve geographic balance. Representation in the PAMB shall,
25 as much as practicable, ensure sufficient representation of all stakeholders.

26 *SEC. 7. Term of Office of the PAMB Members.* – Every member of the
27 PAMB shall serve for a term of five (5) years, subject, however, to the elected

1 office held, government employment and/or official designation in the LGU,
2 national agency or organization.

3 SEC. 8. *Powers and Functions of the PAMB.* – The PAMB shall
4 exercise the following powers and functions:

5 (a) Issue all rules and regulations in accordance with this Act and the
6 management plan;

7 (b) Establish criteria for permits and set fees for regulated activities;

8 (c) Adopt rules of procedure for the conduct of business including the
9 creation of committees to whom its powers may be delegated, define roles and
10 responsibilities and impose disciplinary action over members of the PAMB
11 and personnel of the PASu office;

12 (d) Approve, revise and/or modify the management and action plans;

13 (e) Issue certifications for both terrestrial and aquatic resource use:
14 *Provided,* That the DENR and the LGUs shall issue permits only upon
15 submission of the PAMB certification;

16 (f) Recommend to the DENR for approval the deputation of interested,
17 capable and responsible individuals for the enforcement of the laws, rules and
18 regulations governing conduct for areas and species falling under the DENR's
19 jurisdiction: *Provided,* That for areas and species under the jurisdiction of the
20 Bureau of Fisheries and Aquatic Resources-Department of Agriculture,
21 deputation shall be made pursuant to Republic Act No. 8550 or the Philippine
22 Fisheries Code of 1998;

23 (g) Oversee and evaluate the PASu office created under Section 9;

24 (h) Identify, verify and review all tenure instruments and land claims;

25 (i) Recommend land reclassification and proper use of resources found
26 therein, consistent with the zoning provided in the management or action plans;

27 (j) Accept, review and approve, after establishing criteria and rules and
28 procedures, proposals for projects or activities, including research and

1 development on the natural resources, which affect biodiversity conservation,
2 protection and sustainable development;

3 (k) Initiate civil or administrative proceedings, file criminal complaints
4 and take the necessary legal action against individuals, associations,
5 corporations or entities destroying or contributing to the destruction of the
6 protected area in whatever degree including, but not limited to, discharge of
7 wastes or refuse; and

8 (l) Participate in all stages of the Environmental Impact Assessment
9 (EIA) process for projects and in monitoring their implementation, including
10 recommending projects or activities previously not covered by or exempted
11 from the EIA System to undergo it.

12 The DENR shall exercise general authority over the PAMB to ensure
13 that the latter acts within the scope of its powers and functions. In case of
14 conflict between administrative orders of national application issued by the
15 DENR pursuant to Republic Act No. 7586 or the National Integrated Protected
16 Areas Systems (NIPAS) Act of 1992 and the rules and regulations issued by
17 the PAMB, the Secretary, in consultation with the PAMB, shall resolve
18 whether to apply the rule or withdraw its application in the protected area. The
19 decision of the Secretary may be brought on appeal to the regional trial court
20 having jurisdiction over the area.

21 *SEC. 9. Creation of the PASu Office.* – There shall be a PASu office
22 within the DENR for the protected area that will provide general support and
23 coordinative services such as the preparation of preliminary management and
24 action plans, interagency linkages, community partnership-building, park
25 visitors' education and information programs, enforcement of park rules and
26 regulations, processing of permits and monitoring of operations.

27 The PASu office shall be supported by the existing personnel of the
28 DENR. The head of office shall be the chief operating officer of the protected

1 area and shall be accountable to the RED of the DENR-Caraga and the PAMB.
2 The PASu shall serve for a minimum of five (5) years and must have
3 competence and experience in the field of environmental protection.

4 Article 2
5 Management Plan

6 SEC. 10. *Management and Action Plans.* – The PASu office, under the
7 general supervision of the PAMB, shall, within six (6) months from the
8 effectivity of this Act, prepare a twenty-five (25)-year management plan, in
9 consultation with the appropriate offices of the DENR, LGUs, local
10 communities, concerned government agencies and experts who may extend
11 their services.

12 The management plan shall be reviewed, approved and adopted by the
13 PAMB, which shall also verify if it conforms to all laws and rules and
14 regulations of the DENR. The management plan shall be certified to by the
15 Secretary within sixty (60) calendar days from submission thereof.

16 The management plan shall serve as guide to all activities relating to the
17 protected area, including its development as an ecotourism destination, in order
18 to attain the objectives stated in Section 2. Within one (1) year from the
19 effectivity of this Act, the management plan shall be formulated in accordance
20 with the General Management Planning Strategy provided for under the
21 NIPAS Act and its implementing rules and regulations and pertinent DENR
22 issuances. The management plan shall contain, among others, the following:

- 23 (a) The goals and objectives pursuant to Section 2 hereof;
24 (b) The protected nature of the areas;
25 (c) The period of applicability of the plan;
26 (d) Key management issues and activities such as habitat and wildlife
27 conservation, sustainable use of land and marine resources and infrastructure
28 development regulation;

- 1 (e) Establishment of zoning and activity regulations;
- 2 (f) Establishment of a visitor management program; and
- 3 (g) Establishment of sustainable livelihood and investment programs.

4 Revisions or modifications of the management plan may be initiated by
5 the PASu or any PAMB member and shall be reviewed, approved and adopted
6 by the PAMB and certified to by the Secretary.

7 After its approval, adoption and certification, the plan shall be translated
8 in the local vernacular and shall be made available for perusal by the general
9 public.

10 Six (6) months after the formulation of the management plan, the PASu,
11 in consultation with the appropriate offices of the DENR, LGUs, local
12 communities, concerned government agencies and experts who may extend
13 their services, shall prepare a five (5)-year action plan, subject to review and
14 approval of the PAMB.

15 A year before the expiration of the five (5)-year action plan, the PASu
16 shall cause the publication of notices on the formulation of the succeeding
17 action plan through broadcast and print media, and the posting of notices in
18 conspicuous places in the provincial, municipal and barangay halls in order to
19 solicit opinions on how to improve it.

20 The PAMB may conduct a public hearing or series of public hearings on
21 the action plan upon the written request of any interested party.

22 If a new action plan is not approved or adopted upon the expiration of
23 the existing plan, the latter shall continue to be effective, subject to
24 modifications adopted by the PAMB.

25 The same procedure shall be followed on the management plan.

26 *SEC. 11. Integration of the Management Plan into Local Government*
27 *Development Plans.* – The LGUs, through their representation in the PAMB,
28 shall participate in the management of the protected area and its buffer zones.

1 To ensure that the future development of the Province of Surigao del Norte and
2 the Caraga Region takes place in harmony with this Act, these provisions shall
3 be incorporated into the barangay, municipal and provincial development plans
4 of Surigao and the regional development plan of the Caraga Region as part of
5 the environmental concerns of the province and the region. The LGUs shall
6 likewise ensure that local ordinances pertaining to the environment are
7 consistent with this Act and the management plan.

8 CHAPTER III

9 TENURED MIGRANTS AND PRIVATE RIGHTS

10 SEC. 12. *Tenured Migrants and Private Rights.* – Tenured migrants are
11 individuals and households who have actually and continuously occupied,
12 since October 10, 1991 or earlier, public lands in the protected area which are
13 not alienable or disposable, and who are substantially dependent on the
14 resources in the protected area for their livelihood. Whenever practicable,
15 tenured migrant communities of more than five (5) households occupying
16 contiguous lots shall be provided tenurial rights over their current habitation
17 sites: *Provided, however,* That if these areas are later on identified to be crucial
18 for conservation or protection, said tenured migrants shall, after due
19 consultation, be offered alternative sites within the appropriate zones or buffer
20 zones and shall enjoy preference over nontenured migrants: *Provided,*
21 *moreover,* That such tenured migrants are treated humanely and shall be
22 entitled to compensation, security of tenure to alternative lands, provision of
23 facilities of equivalent or better standard and similar measures.

24 In all cases, the grant of tenurial rights must take into account the need
25 to promote clustering and to avoid unnecessary displacement. In areas where
26 tenurial instruments are granted, appropriate-use zones shall be established for
27 the purpose of maintaining noncommercial livelihood activities.

1 boundaries of the protected area or its buffer zones with a total capitalization in
2 excess of Fifty thousand pesos (P50,000.00) shall submit to the PAMB,
3 through the PASu, the following information:

4 (a) Potential for disturbance of protected species and their habitat,
5 reproductive cycle, nesting and feeding grounds, and migratory paths;

6 (b) Noise levels at all stages of operation;

7 (c) Requirements of water supply and sources of water; and

8 (d) Energy requirements and sources of energy.

9 The PAMB, with the assistance of the DENR, shall determine whether
10 the existence of a facility and its future plans and operations will be
11 detrimental to the protected area and its buffer zones.

12 Failure to submit the required information shall constitute a violation of
13 this Act. The PAMB may likewise prescribe further conditions for the
14 operation of the facility to ensure that its operation shall not conflict with the
15 management objectives. If any condition is violated, a fine of Five thousand
16 pesos (P5,000.00) for every day of violation shall be imposed upon the owners
17 of the facility, but not to exceed a total of Four hundred fifty thousand pesos
18 (P450,000.00). Whenever necessary, the PAMB, through the PASu or other
19 government entities, shall cause the cessation and demolition of the facility at
20 the cost of its owners.

21 Facilities allowed to remain within the protected area or its buffer zones
22 shall be charged a fee by the PAMB, which shall not be more than two percent
23 (2%) of the annual gross income of the facility: *Provided*, That existing
24 commercial facilities whose operations and/or purposes are deemed contrary to
25 the management objectives shall be ordered by the PAMB to vacate the area
26 within such time as the PAMB may provide.

27 SEC. 14. *Utilization of Resources.* – Livelihood activities requiring the
28 use of natural resources derived from the protected area shall be allowed only

1 when sustainable, consistent with the management and action plans, and after
2 prior PAMB approval.

3 The PAMB is authorized to impose regulatory measures such as hunting
4 moratoriums, closed hunting seasons and other restrictions on the use of
5 resources within the protected area and its buffer zones to ensure the
6 sustainability of species and ecosystems.

7 The exploitation or utilization of nonrenewable resources for
8 commercial purposes or by nontenured migrants shall not be allowed.

9 Energy projects, whether renewable or otherwise, shall be allowed only
10 through an act of Congress except energy from wind, sun, waves and water
11 sources: *Provided*, That in all instances, the primary beneficiaries shall be
12 local residents: *Provided, further*, That all energy projects shall undergo the
13 EIA System as provided for by law: *Provided, finally*, That the PAMB has
14 endorsed the project.

15 Commercial exploitation of water resources shall require prior PAMB
16 approval, in accordance with the management and action plans, and shall
17 undergo the EIA System.

18 CHAPTER V

19 PENAL PROVISIONS

20 SEC. 15. *Prohibited Acts.* – It shall be unlawful for any person to
21 willfully and knowingly exploit wildlife resources and habitat or undertake the
22 following acts within the protected area and its buffer zones without the
23 necessary permit issued in accordance with this Act:

24 (a) Killing and destroying wildlife species, except in the following
25 instances:

26 (1) When it is done as part of the religious rituals of established tribal
27 groups or indigenous cultural communities;

1 (2) When the wildlife is afflicted with an incurable communicable
2 disease;

3 (3) When it is necessary to put an end to the misery suffered by
4 wildlife;

5 (4) When it is done to prevent an imminent danger to the life or limb of
6 a human being; and

7 (5) When the wildlife is killed or destroyed after it has been used in
8 authorized research or experiments;

9 (b) Inflicting injury which cripples and/or impairs the reproductive
10 system of wildlife species;

11 (c) Effecting any of the following acts in critical habitat(s):

12 (1) Dumping of waste products detrimental to wildlife;

13 (2) Burning;

14 (3) Logging; and

15 (4) Quarrying of sand, gravel, guano, limestone or any material;

16 (d) Introduction, reintroduction or restocking of wildlife resources;

17 (e) Trading of wildlife;

18 (f) Collecting, hunting or possessing wildlife, their by-products and
19 derivatives;

20 (g) Gathering or destroying of active nests, nest trees, host plants and
21 the like;

22 (h) Maltreating and/or inflicting other injuries not covered by the
23 preceding paragraph;

24 (i) Transporting of wildlife; and

25 (j) Cutting, gathering, removing or collecting timber or any forest
26 products within identified prohibited areas or zones, including private lands,
27 without the necessary permit, authorization or exemption as issued or
28 promulgated by the PAMB.

1 SEC. 16. *Fines and Penalties.* – (a) The following penalties and/or
2 fines shall be imposed upon any person who commits the act described in
3 Section 15, paragraph (a), to any species categorized pursuant to this Act:

4 (1) Imprisonment of a minimum of six (6) years and one (1) day to
5 twelve (12) years and/or a fine of One hundred thousand pesos (P100,000.00)
6 to One million pesos (P1,000,000.00), if inflicted or undertaken against species
7 listed as critical;

8 (2) Imprisonment of four (4) years and one (1) day to six (6) years
9 and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand
10 pesos (P500,000.00), if inflicted or undertaken against endangered species;

11 (3) Imprisonment of two (2) years and one (1) day to four (4) years
12 and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand
13 pesos (P300,000.00), if inflicted or undertaken against vulnerable species;

14 (4) Imprisonment of one (1) year and one (1) day to two (2) years
15 and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand
16 pesos (P200,000.00), if inflicted or undertaken against other threatened
17 species; and

18 (5) Imprisonment of six (6) months and one (1) day to one (1) year
19 and/or a fine of Ten thousand pesos (P10,000.00) to One hundred thousand
20 pesos (P100,000.00), if inflicted or undertaken against other wildlife species.

21 (b) For the commission of the act described in Section 15, paragraph
22 (b), the following penalties and/or fines shall be imposed:

23 (1) Imprisonment of four (4) years and one (1) day to six (6) years
24 and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand
25 pesos (P500,000.00), if inflicted or undertaken against species listed as critical;

26 (2) Imprisonment of two (2) years and one (1) day to four (4) years
27 and/or a fine of Thirty thousand pesos (P30,000.00) to Two hundred thousand
28 pesos (P200,000.00), if inflicted or undertaken against endangered species;

1 (3) Imprisonment of one (1) year and one (1) day to two (2) years
2 and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand
3 pesos (P200,000.00), if inflicted or undertaken against vulnerable species;

4 (4) Imprisonment of six (6) months and one (1) day to one (1) year
5 and/or a fine of Ten thousand pesos (P10,000.00) to Fifty thousand pesos
6 (P50,000.00), if inflicted or undertaken against other threatened species; and

7 (5) Imprisonment of one (1) month to six (6) months and/or a fine of
8 Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if
9 inflicted or undertaken against other wildlife species.

10 (c) For the commission of the acts described in Section 15, paragraph
11 (c) and paragraph (d), imprisonment of one (1) month to eight (8) years and/or
12 a fine of Five thousand pesos (P5,000.00) to Five million pesos
13 (P5,000,000.00) shall be imposed.

14 (d) For the commission of the act under Section 15, paragraph (e), the
15 following penalties and/or fines shall be imposed:

16 (1) Imprisonment of two (2) years and one (1) day to four (4) years
17 and/or a fine of Five thousand pesos (P5,000.00) to Three hundred thousand
18 pesos (P300,000.00), if inflicted or undertaken against species listed as critical;

19 (2) Imprisonment of one (1) year and one (1) day to two (2) years
20 and/or a fine of Two thousand pesos (P2,000.00) to Two hundred thousand
21 pesos (P200,000.00), if inflicted or undertaken against endangered species;

22 (3) Imprisonment of six (6) months and one (1) day to one (1) year
23 and/or a fine of One thousand pesos (P1,000.00) to One hundred thousand
24 pesos (P100,000.00), if inflicted or undertaken against vulnerable species;

25 (4) Imprisonment of one (1) month and one (1) day to six (6) months
26 and/or a fine of Five hundred pesos (P500.00) to Fifty thousand pesos
27 (P50,000.00), if inflicted or undertaken against other threatened species; and

1 (5) Imprisonment of ten (10) days to one (1) month and/or a fine of
2 Two hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if
3 inflicted or undertaken against other wildlife species.

4 (e) For the commission of the acts described in Section 15, paragraph
5 (f) and paragraph (g), the following penalties and/or fines shall be imposed:

6 (1) Imprisonment of two (2) years and one (1) day to four (4) years
7 and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand
8 pesos (P300,000.00), if inflicted or undertaken against species listed as critical;

9 (2) Imprisonment of one (1) year and one (1) day to two (2) years
10 and/or a fine of Two thousand pesos (P2,000.00) to Two hundred thousand
11 pesos (P200,000.00), if inflicted or undertaken against endangered species;

12 (3) Imprisonment of six (6) months and one (1) day to one (1) year
13 and/or a fine of Ten thousand pesos (P10,000.00) to One hundred thousand
14 pesos (P100,000.00), if inflicted or undertaken against vulnerable species;

15 (4) Imprisonment of one (1) month and one (1) day to six (6) months
16 and/or a fine of Five thousand pesos (P5,000.00) to Fifty thousand pesos
17 (P50,000.00), if inflicted or undertaken against other threatened species; and

18 (5) Imprisonment of ten (10) days to one (1) month and/or a fine of
19 One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if
20 inflicted or undertaken against other wildlife species.

21 (f) For the commission of the acts described in Section 15, paragraph
22 (h) and paragraph (i), the following penalties and/or fines shall be imposed:

23 (1) Imprisonment of six (6) months and one (1) day to one (1) year
24 and/or a fine of Fifty thousand pesos (P50,000.00) to One hundred thousand
25 pesos (P100,000.00), if inflicted or undertaken against critical species;

26 (2) Imprisonment of three (3) months and one (1) day to six (6) months
27 and/or a fine of Twenty thousand pesos (P20,000.00) to Fifty thousand pesos
28 (P50,000.00), if inflicted or undertaken against endangered species;

1 (3) Imprisonment of one (1) month and one (1) day to three (3) months
2 and/or a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos
3 (P20,000.00), if inflicted or undertaken against vulnerable species;

4 (4) Imprisonment of ten (10) days to one (1) month and/or a fine of
5 One thousand pesos (P1,000.00) to Ten thousand pesos (P10,000.00), if
6 inflicted or undertaken against other threatened species; and

7 (5) Imprisonment of five (5) days to ten (10) days and/or a fine of Two
8 hundred pesos (P200.00) to One thousand pesos (P1,000.00), if inflicted or
9 undertaken against other wildlife species.

10 (g) The commission of the acts described in Section 15, paragraph (j),
11 shall be penalized under existing forestry laws.

12 All wildlife, their derivatives or by-products and all paraphernalia, tools
13 and conveyances used in connection with the violations of this Act shall be
14 *ipso facto* forfeited in favor of the government: *Provided*, That where the
15 ownership of the aforesaid conveyances belong to third persons who have no
16 participation in or knowledge of the illegal acts, the conveyances may be
17 released to the owner.

18 If the offender is an alien, he/she shall be deported after service of
19 sentence and payment of fines, without any further proceedings.

20 A fine of not less than Five thousand pesos (P5,000.00) but not more
21 than Two hundred fifty thousand pesos (P250,000.00) and/or imprisonment of
22 not less than one (1) year but not more than five (5) years and the restoration
23 and rehabilitation of the damaged area or resource shall be imposed upon any
24 person who shall commit, within the protected area, the prohibited acts under
25 Sections 86, 93 and 102 of the Philippine Fisheries Code of 1998.

26 A fine of not less than Two hundred fifty thousand pesos (P250,000.00)
27 but not more than Five hundred thousand pesos (P500,000.00) and/or
28 imprisonment of not less than five (5) but not more than twenty (20) years and

1 the restoration and rehabilitation of the damaged area or resource shall be
2 imposed upon any person who shall commit, within the protected area, the acts
3 prohibited under Sections 88 and 92 of the Philippine Fisheries Code of 1998.

4 A fine of not less than Five thousand pesos (P5,000.00) but not more
5 than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not
6 less than one (1) year but not more than five (5) years shall be imposed upon
7 those persons who commit, within the protected area, the act/s prohibited under
8 Section 106 of the Philippine Fisheries Code of 1998.

9 The fines prescribed shall be increased by at least ten percent (10%)
10 every three (3) years to compensate for inflation and to maintain the deterrent
11 function of such fines.

12 Any person who shall induce another or conspire to commit any of the
13 illegal acts prohibited in this Act or order their workers to commit any of the
14 same shall be liable in the same manner as the one actually performing the act.

15 All conveyances, vessels, equipment, paraphernalia, implements, gears,
16 tools and similar devices used in violation of this Act shall be subject to
17 immediate administrative confiscation, independent of the judicial proceedings
18 by the PASu office upon apprehension, subject, however, to due process and
19 substantial evidence. When legal action is, however, filed in the regular
20 courts, said conveyances, vessels, equipment, paraphernalia, implements,
21 gears, tools and similar devices shall, independent of administrative
22 proceedings, not be released until final judgment. Proceeds of the sale of
23 objects administratively or judicially confiscated shall accrue to the protected
24 area fund. The procedure for the sale of confiscated objects shall be
25 promulgated by the PAMB.

CHAPTER VI

MISCELLANEOUS PROVISIONS

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3 SEC. 17. *Special Prosecutors.* – Within thirty (30) days from the
4 effectivity of this Act, the Department of Justice (DOJ) shall appoint a special
5 prosecutor to whom all cases of violation of laws, rules and regulations in the
6 protected area shall be assigned. Such special prosecutor shall coordinate with
7 the PAMB and the PASu in the performance of his/her duties and assist in the
8 training of wardens and rangers in the arrest of offenders and in criminal
9 procedure. The PAMB shall periodically submit to the DOJ an evaluation of
10 the performance of the designated special prosecutor.

11 SEC. 18. *Special Counsel.* – The PAMB may retain the services of a
12 competent lawyer to prosecute and/or assist in the prosecution of cases under
13 the direct control and supervision of the special prosecutor and to defend the
14 members of the PAMB and the officers and staff of the PASu office, or any
15 person assisting in the protection, conservation and sustainable development of
16 the protected area against any legal action related to their powers, functions
17 and duties as provided for in this Act or as delegated by the PAMB.

18 SEC. 19. *Integrated Protected Areas Fund.* – There is hereby
19 established a trust fund to be known as the Integrated Protected Areas Fund for
20 purposes of financing projects of the protected area. All income generated
21 from the operation of the system or management of wild flora and fauna in the
22 protected area shall accrue to the fund. This income shall be derived from fees
23 from permitted sale and export of flora and fauna and other resources from the
24 protected area, proceeds from lease of multiple-use areas, contributions from
25 industries and facilities directly benefiting from the protected area and such
26 other fees and income derived from the operation of the protected area.

27 The fund may be augmented by grants, donations, endowment from
28 various sources, domestic or foreign, for purposes related to their functions:

1 *Provided*, That the fund shall be deposited as a special account in the National
2 Treasury and disbursements therefrom shall be made solely for the system, and
3 duly approved projects endorsed by the PAMB in accordance with existing
4 accounting and budgeting rules and regulations: *Provided, further*, That the
5 fund shall not be used to cover personal services expenditures.

6 The LGUs shall continue to impose and collect all other fees not
7 enumerated herein which they have traditionally collected, such as business
8 permits, property tax and rentals of LGUs' facilities. Furthermore, LGUs may
9 charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons
10 shall be based on the contribution of the LGUs in the maintenance and
11 protection of the protected area.

12 CHAPTER VII

13 FINAL PROVISIONS

14 SEC. 20. *Appropriations.* – The Secretary shall immediately include in
15 the Department's program the implementation of this Act, the funding of which
16 shall be included in the annual General Appropriations Act.

17 SEC. 21. *Interpretation.* – The provisions of this Act shall be construed
18 liberally in favor of achieving biodiversity conservation, protection and
19 sustainable development. The provisions of Republic Act No. 7586, Republic
20 Act No. 8550 and existing forestry laws and their corresponding rules and
21 regulations not inconsistent herewith shall have suppletory application in the
22 implementation of this Act.

23 SEC. 22. *Implementing Rules and Regulations.* – Ninety (90) days after
24 the effectivity of this Act, the DENR, in consultation with the PAMB and
25 concerned NGOs, shall promulgate the implementing rules and regulations
26 necessary to effectively implement the provisions of this Act.

1 SEC. 23. *Separability Clause.* – If any part or section of this Act is
2 declared by the courts as unconstitutional, such declaration shall not affect the
3 other parts or sections which shall continue to have full force and effect.

4 SEC. 24. *Repealing Clause.* – All other laws, rules and regulations
5 inconsistent with this Act or any of its provisions are hereby repealed or
6 modified accordingly.

7 SEC. 25. *Effectivity Clause.* – This Act shall take effect fifteen (15)
8 days after its publication in the *Official Gazette* or in at least two (2) national
9 newspapers of general circulation.

Approved,

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