



HOUSE OF REPRESENTATIVES

H. No. 5793

BY REPRESENTATIVES VILLAROSA, ARROYO (I.), CUA (J.), LAGMAN,
PANCRUDO, OLAÑO, DOMOGAN, ANGARA, GOLEZ, MAGSAYSAY,
TIENG, DIASNES, PADILLA AND MANDANAS, PER COMMITTEE REPORT
NO. 1672

AN ACT DECLARING THE GRAND APO REEF LOCATED IN THE
MUNICIPALITY OF SABLAYAN, PROVINCE OF OCCIDENTAL
MINDORO AS A PROTECTED AREA UNDER THE
CLASSIFICATION OF NATURAL PARK AND ITS PERIPHERAL
WATERS AS BUFFER ZONE, 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 “Grand Apo Reef
2 Natural Park Act”.

3 SEC. 2. *Declaration of Policy.* – Considering the rich biodiversity of
4 the Grand Apo Reef and its vital role in the fishery and ecotourism industries
5 in the country, it is hereby declared the policy of the State to ensure its
6 protection and conservation, including its associated waters and islands. As
7 such, the State shall ensure the mobilization of resources for the operation of
8 the institutional mechanism established for the Grand Apo Reef and the
9 provision of scientific and technical support needed for the conservation of the
10 biodiversity and integrity of its ecosystems.

1 SEC. 3. *Coverage and Scope.* – The boundaries of the Grand Apo Reef
2 Natural Park, which is located in the Municipality of Sablayan, Province of
3 Occidental Mindoro, contain an area of fifteen thousand seven hundred
4 ninety-two (15,792) hectares, and is more particularly described as follows:

5	Control				Northings	Eastings
6	Points	Cm. (°)	Latitude	Longitude	(Meters)	(Meters)
7	1	123	12° 44' 47"	120° 27' 22"	1,410,356.242	223,773.809
8	2	123	12° 41' 11"	120° 33' 44"	1,403,605.487	235,240.033
9	3	123	12° 35' 47"	120° 29' 57"	1,393,709.839	228,292.637
10	4	123	12° 39' 18"	120° 23' 46"	1,400,336.616	217,153.893

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

16 SEC. 4. *Buffer Zones.* – Buffer zones surrounding the protected area,
17 containing an area of forty-four thousand six hundred sixty-three and four
18 hundredth seventy-five (44,663.475) hectares, are likewise hereby established,
19 with the following boundaries:

20	Control				Northings	Lastings
21	Points	Cm.(°)	Latitude	Longitude	(Meters)	(Meters)
22	1	123	12° 46' 14"	120° 27' 22"	1,413,043.227	223,151.990
23	2	123	12° 49' 09"	120° 37' 32"	1,418,718.531	242,164.582
24	3	123	12° 37' 41"	120° 42' 10"	1,396,877.891	250,352.673
25	4	123	12° 34' 20"	120° 30' 16"	1,391,042.803	228,863.890
26	5	123	12° 38' 57"	120° 22' 12"	1,399,689.788	214,329.441

1 The buffer zones are established for the purpose of forming an extra
2 layer of protection from users of nearby sea-lanes and other threats to the
3 protected area.

4 SEC. 5. *Land Classification.* – All lands and waters of the public
5 domain within the coverage and scope of this Act, inclusive of the protected
6 area and its buffer zones described in Section 4, shall fall under the
7 classification of national park pursuant to the 1987 Philippine Constitution.

8 SEC. 6. *Definition of Terms.* – The following terms are hereby
9 defined for the purpose of this Act:

10 (a) “Accredited NGOs/POs” shall refer to groups, organizations or
11 associations that satisfactorily comply with the accreditation process for
12 nongovernment organizations (NGOs) and people’s organizations (POs) by the
13 Sangguniang Bayan of Sablayan, pursuant to Republic Act No. 7160 or the
14 “Local Government Code of 1991”.

15 (b) “Department” shall refer to the Department of Environment and
16 Natural Resources (DENR).

17 (c) “Non-renewable resources” shall refer to those resources found
18 within the protected area and its buffer zones, the natural replenishment rate of
19 which is either not known or takes more than twenty-five (25) years.

20 (d) “Passive fishing gear” shall refer to any means of catching,
21 gathering or collecting fish or aquatic products that does not alter the capacity
22 of the ecosystem to replenish itself nor harm any protected species or the
23 young of any marine species.

24 (e) “Plan” shall refer to the management plan for the protection and
25 conservation of the Grand Apo Reef Natural Park.

26 (f) “Protected species” shall refer to any species of plants, animals
27 or microorganisms declared as protected under Philippine laws, rules and

1 regulations or international agreements/conventions wherein the Philippines is
2 a signatory, or as provided in the management plan pursuant to this Act.

3 (g) "Secretary" shall refer to the Secretary of the Department.

4 (h) "Task Force" shall refer to the Multi-sectoral Marine Law
5 Enforcement Unit.

6 *SEC. 7. Administration and Management.* – The Grand Apo Reef
7 Natural Park is hereby placed under the control and administration of the
8 Department through the Protected Area Management Board (PAMB).

9 *SEC. 8. Institutional Mechanisms.* – The following administrative and
10 policy-making mechanisms are hereby adopted for the Grand Apo Reef
11 Natural Park:

12 (a) The PAMB. – There is hereby established a PAMB which shall be
13 the policy-making body for the protected area. It shall be composed of:

14 (1) the Department's Regional Executive Director (RED) for Region
15 IV-B, as chairperson;

16 (2) the Representative of the Lone District of Occidental Mindoro;

17 (3) the provincial planning and development officer of Occidental
18 Mindoro;

19 (4) the representative of the Office of the Mayor of the Municipality
20 of Sablayan;

21 (5) the president of the liga ng barangay, chosen by and from among
22 the barangay captains of the ten (10) coastal barangays of the Municipality of
23 Sablayan;

24 (6) the municipal agriculturist of Sablayan, Occidental Mindoro;

25 (7) the municipal environment and natural resources officer of
26 Sablayan, Occidental Mindoro;

1 (8) at least two (2) representatives from accredited environmental
2 NGOs operating within the Municipality of Sablayan, chosen from among
3 themselves in a meeting duly called for the purpose;

4 (9) at least two (2) representatives from accredited POs from the
5 fisherfolk sector operating within the Municipality of Sablayan, chosen from
6 among themselves in a meeting duly called for the purpose; and

7 (10) one (1) representative from the Municipal Fisheries and Aquatic
8 Resources Management Council (MFARMC) of Sablayan, chosen from among
9 themselves in a meeting duly called for the purpose.

10 Each member of the PAMB shall serve for a term of three (3) years and
11 shall be considered to represent his/her sector and deemed to carry the vote of
12 such sector in all matters. In the case of government officials, the term of their
13 membership in the PAMB shall be coterminous with their office or unless
14 sooner terminated by the head of the agency being represented;

15 (b) Powers and Functions of the PAMB. – The PAMB shall exercise
16 the following powers and functions:

17 (1) Decide on matters relating to planning, resource protection and
18 general administration of the area in accordance with the approved
19 management plan;

20 (2) Approve proposals, work plans, action plans and guidelines for the
21 management of the protected area in accordance with the approved
22 management plan;

23 (3) Delineate and demarcate protected area boundaries and buffer
24 zones;

25 (4) Promulgate rules and regulations to promote development programs
26 and projects on biodiversity conservation and sustainable development,
27 consistent with the management plan of the protected area;

1 (5) Ensure the implementation of programs as prescribed in the
2 management plan in order to provide employment to the people dwelling in and
3 around the protected area;

4 (6) Control and regulate the construction, operation and maintenance of
5 infrastructures within the protected area;

6 (7) Monitor and evaluate the performance of protected area personnel,
7 NGOs and the communities, and report their assessments to the National
8 *Integrated Protected Areas System Policy and Program Steering Committee*;
9 and

10 (8) Issue rules and regulations to prohibit and regulate acts that may be
11 prejudicial to the protected area and the policy declaration herein set forth.

12 The Department, through the RED for Region IV-B, shall exercise
13 authority over the PAMB to ensure that the latter acts within the scope of its
14 powers and functions. In case of conflict between administrative orders issued
15 by the Department pursuant to Republic Act No. 7586 or the National
16 *Integrated Protected Areas System Act of 1992 (NIPAS Act)* for national
17 application and the rules and regulations issued by the PAMB, the PAMB shall
18 notify the Secretary who shall decide whether to apply the rule or withdraw its
19 application to the site; and

20 (c) The Protected Area Superintendent (PASu) Office. – There is
21 hereby established a PASu office in charge of the management, protection and
22 administration of the Grand Apo Reef Natural Park. The PASu office shall be
23 assisted by the existing personnel of the Department. The head of office shall
24 be the chief operating officer and shall be accountable to the Department's
25 RED for Region IV-B and the PAMB. The PASu shall have the following
26 powers and functions:

27 (1) Act as head of the secretariat for the PAMB;

1 (2) Establish partnership with the local community, including groups
2 interested in the achievement of the goals and objectives of the protected area;

3 (3) Develop and implement a park information, education and visitor
4 program;

5 (4) Enforce the laws, rules and regulations relevant to the protected
6 area and assist in the prosecution of offenses;

7 (5) Supervise all activities within the protected area for conformity
8 with the management plan;

9 (6) Accept, in the name of the Grand Apo Reef Natural Park, funds,
10 donations, gifts or bequests or property for the support of its programs and
11 services; and

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

13 SEC. 9. *Protection and Conservation Plan.* – The PASu shall take the
14 lead in the preparation of the management plan and all successor plans in
15 coordination with the appropriate offices of the Department, local
16 communities, NGOs and POs which shall be reviewed and approved by the
17 PAMB and certified to by the Secretary: *Provided, however,* That the
18 Secretary may revise and modify the management plan, as submitted for
19 certification, to ensure its conformity with the laws and applicable rules and
20 regulations, after consultation with the PAMB.

21 Within one (1) year from the effectivity of this Act, the management
22 plan shall have been put into effect following the General Management
23 Planning Strategy provided for under the NIPAS Act and according to the
24 procedure set forth in this Act. The management plan shall contain, among
25 others, the following:

26 (a) The category of the protected area;

27 (b) Period of applicability of the plan;

28 (c) Key management issues;

1 (d) Goals and objectives of management in support of Section 2 hereof;

2 (e) Site management strategy; and

3 (f) Major management activities such as, but not limited to,
4 enforcement of laws, habitat and wildlife management, sustainable-use
5 management, ecotourism development and maintenance, information,
6 education and communication (IEC).

7 One (1) year before the expiration of the period of the applicability of
8 the existing management plan, the PASu shall cause the publication of notices
9 for comments and suggestions on the next successor plan in a newspaper of
10 local circulation in the Municipality of Sablayan and the posting of such
11 notices in the provincial, municipal and barangay halls, in three (3) other areas
12 frequented by the public and on Grand Apo Reef. Public hearings may be
13 conducted on the successor plan.

14 The zoning of the protected area shall give primary consideration to the
15 traditional zones that have been sustainably used by fisherfolks for an
16 appreciable length of time, unless such uses are deemed detrimental to
17 biodiversity and the protection of its natural characteristics.

18 SEC. 10. *Prohibited Acts and Penalties.* – A fine of not less than Five
19 thousand pesos (P5,000.00) nor more than Five hundred thousand pesos
20 (P500,000.00) or imprisonment of not less than one (1) year nor more than six
21 (6) years, or both, as determined by the court, shall be imposed upon any
22 person who:

23 (a) hunts, destroys, collects, disturbs or possesses anywhere within the
24 Grand Apo Reef Natural Park and its adjoining buffer zones any plant or
25 animal, sand, coral, rock or product derived from the area without a protected
26 area permit;

27 (b) possesses outside the protected area any wild plant or animal or
28 product derived from the area without a protected area permit;

1 (c) explores or extracts minerals within the protected area and its buffer
2 zones;

3 (d) fish within the protected area and its buffer zone using explosives,
4 noxious substances, electricity or nets below three (3) centimeters in size from
5 knot to knot when stretched, or by any other destructive fishing method as may
6 be determined by law, regulations and ordinances;

7 (e) hunts, collects, removes or destroys any endangered or protected
8 species;

9 (f) drops anchor within the protected area except in the designated
10 sites or where there is a danger to life or property which necessitates such act;

11 (g) throws, dumps or causes to be dumped into the sea within the
12 protected area and its buffer zone any non-biodegradable material or other
13 substance deleterious to marine life;

14 (h) fish in the protected area and its buffer zone without a protected
15 area permit;

16 (i) violates duly published rules and regulations issued by the PAMB
17 for the protection and conservation of the protected area;

18 (j) erects any permanent structure on land or on water for any purpose
19 outside the management plan: *Provided*, That permanent structures intended
20 for marine safety and determined to be urgently necessary, before the next
21 management plan shall have taken effect, shall be exempted from this
22 prohibition; and

23 (k) possesses or deals with explosives or noxious substances within the
24 protected area.

25 Valuation of the damage shall take into account biodiversity and
26 conservation considerations as well as aesthetic and scenic values.

27 SEC. 11. *Special Prosecutors*. – Within thirty (30) days from the
28 effectivity of this Act, the Department of Justice shall appoint a special

1 prosecutor to whom all cases for violation of laws, rules and regulations in the
2 protected area shall be assigned. The special prosecutor shall coordinate with
3 the PAMB and the PASu in the performance of his/her duties and shall assist in
4 the training of the Grand Apo Reef Natural Park personnel in arrest and
5 criminal procedures. Whenever resources of the PAMB would allow, special
6 private prosecutors may be appointed to act under the control and supervision
7 of the special prosecutor.

8 SEC. 12. *Local Government Units (LGUs)*. – The Municipality of
9 Sablayan, its coastal barangays and the provincial government of Occidental
10 Mindoro shall participate in the management of the Grand Apo Reef Protected
11 Area through representation in the PAMB, as provided under Section 8.

12 SEC. 13. *Grand Apo Reef Protected Area Fund (GARPAF)*. – There is
13 hereby established a trust fund to be known as the Grand Apo Reef Protected
14 Area Fund (GARPAF) for purposes of financing projects of the system. All
15 income generated from the operation of the system or the management of wild
16 flora and fauna in the protected area shall accrue to the fund. These income
17 shall be derived from fees from permitted sale and export of flora and fauna
18 and other resources from the protected area, proceeds from lease of multiple-
19 use areas, contributions from industries and facilities directly benefiting from
20 the protected area, and such other fees and income derived from the operation
21 of the protected area.

22 The fund may be augmented by grants, donations, endowment from
23 various sources, domestic or foreign, for purposes related to their functions:
24 *Provided*, That the fund shall be deposited as a special account in the National
25 Treasury and disbursements therefrom shall be made solely for the protection,
26 maintenance, administration and management of the system, and duly approved
27 projects endorsed by the PAMB in accordance with existing accounting and

1 budgeting rules and regulations: *Provided, further,* That the fund shall not be
2 used to cover personal services expenditures.

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

9 SEC. 14. *Utilization of Non-Renewable Resources.* – Any exploration
10 or utilization of non-renewable resources within the Grand Apo Reef Natural
11 Park and its buffer zone shall not be allowed. Energy projects, whether
12 renewable or otherwise, shall be permitted only through an act of Congress:
13 *Provided,* That the exploitation of renewable energy up to three (3) megawatts
14 capacity shall be exempt from such requirement.

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

18 SEC. 16. *Repealing Clause.* – All laws, rules and regulations
19 inconsistent with this Act are hereby repealed or modified accordingly.

20 SEC. 17. *Separability Clause.* – If any part or section of this Act is
21 declared by the courts as unconstitutional, such declaration shall not affect the
22 other parts or sections hereof.

23 SEC. 18. *Effectivity Clause.* – This Act shall take effect fifteen (15)
24 days after its publication in the *Official Gazette* or in a national newspaper
25 of general circulation readily available in the area. It shall be translated in

1 English and Filipino and shall likewise be posted for three (3) weeks in the
2 appropriate language in a conspicuous place in the provincial, municipal and
3 barangay halls within the area, as well as in three (3) other places frequented
4 by the public.

Approved,

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