



1 Pursuant to this policy, the State shall:

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

4 (b) Preserve and maintain genetic resources and ecological diversity  
5 including, but not limited to, salt water crocodile, green sea turtle, tarsier,  
6 dolphin, dugong-dugong (sea cow), sea eagle, brahmyny kite and rufous  
7 hornbill;

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

11 (d) Foster partnership between and among government and  
12 nongovernment organizations (NGOs), local community organizations and  
13 concerned private organizations.

14 SEC. 3. *Definition of Terms.* – For purposes of this Act, the following  
15 terms are hereby defined as follows:

16 (a) *Alienable or disposable lands* shall refer to lands of the public  
17 domain which have been the subject of the present system of land classification  
18 and certified as not needed for forestry purposes.

19 (b) *Biodiversity* shall refer to the variety and variability among all  
20 living organisms and the ecological complex in which they occur.

21 (c) *Byproduct* shall refer to any part removed or substance extracted  
22 from wildlife, in raw or in processed form, and includes stuffed animals and  
23 herbarium specimens.

24 (d) *Biodegradable materials* shall refer to objects that are capable of  
25 being degraded or decomposed by microbiological organisms or enzymes.

26 (e) *Collection or collecting* shall refer to the act of gathering or  
27 harvesting wild flora and fauna species and its byproducts or derivatives.

1 (f) *Commercial* shall refer to sale in volume or value in excess of that  
2 required to maintain basic subsistence for producers and their dependents.

3 (g) *Commercial fishing* shall refer to fishing by passive or active gear  
4 for trade, business or profit beyond subsistence, utilizing fishing vessels of  
5 more than three (3) gross tons.

6 (h) *Conservation* shall refer to the preservation and sustainable  
7 utilization of wildlife and/or maintenance, restoration and enhancement of the  
8 habitat.

9 (i) *Critically endangered species* shall refer to species or subspecies  
10 that are facing extremely high risk of extinction in the wild in the immediate  
11 future.

12 (j) *Department* shall refer to the Department of Environment and  
13 Natural Resources (DENR).

14 (k) *Ecosystem* shall refer to the community of plants and animals, their  
15 physical environment and the interactions among them.

16 (l) *Ecotourism* shall refer to a low impact, environmentally sound and  
17 community-participating tourism activity in a given natural environment that  
18 enhances the conservation of biophysical and cultural diversity, promotes  
19 environmental understanding and education, and yields socioeconomic benefits  
20 to the concerned community.

21 (m) *Endangered species* shall refer to species or subspecies that are not  
22 critically endangered but whose survival in the wild is unlikely if the causal  
23 factors for their depletion continue operating including, but not limited to, the  
24 following:

25 (1) Fauna: crocodile, green sea turtle, Philippine tarsier, monitor lizard,  
26 dolphin, sea cow, wattled broadbill, brahminy kite, sea eagle, rufous hornbill  
27 and katujo; and

1 (2) Flora: dipterocarp species, mancuno (iron wood), fire orchids,  
2 pitcher plant and Maribojoc pine.

3 The terms include other species as may be covered by Appendixes I and  
4 II of the Convention on International Trade of Endangered Species and as may  
5 be provided by law, international treaties, administrative orders, and rules and  
6 regulations or issuance of a concerned government agency.

7 (n) *Fish and fishery/aquatic products* shall refer to all fish and other  
8 aquatic animals such as mollusks, crustaceans, echinoderms, marine mammals  
9 and all other species of aquatic flora and fauna and all other products of  
10 aquatic living resources in any form.

11 (o) *Fishing* shall refer to the act of taking fish, aquatic products or any  
12 aquatic flora and fauna from their wild state or habitat, with or without the use  
13 of fishing vessels.

14 (p) *Fishing vessel* shall refer to any boat, ship or other watercraft  
15 equipped to be used for fishing or aiding or assisting one or more vessels in the  
16 performance of any activity relating to fishing including, but not limited to,  
17 preservation, supply, storage, refrigeration, transportation and/or processing.

18 (q) *Forest products* shall refer to timber, pulpwood, firewood, bark,  
19 tree top, resin gum, wood, lumber, oil, honey, beeswax, nipa, rattan or other  
20 forest growth such as grass, shrub and flowering plant, the associated water,  
21 fish, game, scenic, historical, recreational and geologic resources in forest  
22 lands.

23 (r) *Liba-Liba* shall refer to a fishing gear or any variation thereof,  
24 consisting of a conical shaped net with a pair of wings, the ends of which are  
25 connected to two (2) ropes with buri, plastic strips or any similar material to  
26 serve as scaring or herding device with hauling ropes passing through a  
27 metallic ring permanently attached to a tom weight (linggote) when hauled into  
28 a fishing boat, also known as hulbot-hulbot or bira-bira in other vernaculars.

1 (s) *Management plan*, subject to Section 10 hereof, shall refer to the  
2 fundamental plan, strategy and/or scheme which shall guide all activities in the  
3 protected area in order to attain the objectives of this Act as stated in Section 2  
4 hereof and shall include all successor plans.

5 (t) *Marginal fisherfolk* shall refer to fisherfolk who engage in fishing  
6 with or without the use of fishing vessels or nonmotorized or motorized fishing  
7 vessels powered by a single engine, sixteen (16) horsepower or less.

8 (u) *Muro Ami* shall refer to a fishing gear used in reef fishing which  
9 consists of a movable bag net and two (2) detachable wings effecting the  
10 capture of fish by spreading the net in arch form around reefs or shoals and,  
11 with the aid of scaring devices, driving the fish from the reefs toward the bag  
12 portion of the whole net.

13 (v) *Nongovernment organization (NGO)* shall refer to a nonstock,  
14 nonprofit organization with qualifications, expertise and objectivity in  
15 undertaking activities concerning community organizing and development,  
16 resource and environmental conservation or management and protection.

17 (w) *Nonrenewable resources* shall refer to resources whose natural  
18 replenishment rate is either not known or takes more than twenty-five (25)  
19 years.

20 (x) *People's organization (PO)* shall refer to an association,  
21 cooperative, federation or aggrupation of individuals or groups with an  
22 identifiable structure of decision-making and accountability, established to  
23 undertake collective action to address community concerns and needs.

24 (y) *Protected area permit/license/authority* shall refer to a limited term  
25 privilege or authority duly granted by the Protected Area Management Board  
26 (PAMB), Protected Area Superintendent (PASu) or any entity duly authorized  
27 to grant the same to a natural or juridical person, or group of persons to utilize  
28 an allowed resource or undertake an allowed activity.

1           (z) *Protected landscapes/seascapes* shall refer to areas of national  
2 significance characterized by the harmonious interaction of man and land while  
3 providing opportunities for public enjoyment through recreation and tourism  
4 within the normal lifestyle and economic activity of these areas.

5           (aa) *Secretary* shall refer to the Secretary of the DENR.

6           (bb) *Superlight or magic light* shall refer to a type of artificial light  
7 produced using halogen or metal halide bulb which may be located above the  
8 sea surface or submerged in the water and consisting of a ballast, regulator,  
9 electric cable and socket. The source of energy comes from a generator,  
10 battery or dynamo coupled with the main engine.

11           (cc) *Sustainability or sustainable* shall refer to the use of components  
12 of biological diversity in a way and at a rate that does not lead to the decline of  
13 the species used, thereby maintaining its potential to meet the needs and  
14 aspirations of the present and the future Filipino generations.

15           (dd) *Threatened species* shall refer to species or subspecies considered  
16 as critically endangered, endangered, vulnerable or other accepted categories  
17 of wildlife whose population is at risk of extinction.

18           (ee) *Timber* shall refer to wood having an average diameter of at least  
19 fifteen (15) centimeters and a length of at least one point five (1.5) meters in its  
20 unaltered state, or wood regardless of size sawn or hewn on two (2) or more  
21 sides usually referred to as flitch, and all mangrove species regardless of size.

22           (ff) *Vulnerable species* shall refer to species or subspecies that are not  
23 critically endangered or endangered but are under threat from adverse factors  
24 throughout their range and are likely to move to the endangered category in the  
25 near future.

26           (gg) *Wildlife* shall refer to wild forms and varieties of flora and fauna in  
27 all developmental stages including those in captivity or are being bred or  
28 propagated.



|    |    |     |    |         |   |    |          |
|----|----|-----|----|---------|---|----|----------|
| 1  | 17 | 126 | 00 | 25.6356 | 9 | 52 | 05.4480  |
| 2  | 18 | 126 | 00 | 25.6644 | 9 | 52 | 50.5920  |
| 3  | 19 | 125 | 59 | 49.9776 | 9 | 53 | 07.5444  |
| 4  | 20 | 125 | 58 | 46.9236 | 9 | 52 | 20.7048  |
| 5  | 21 | 125 | 58 | 34.6512 | 9 | 51 | 55.6632  |
| 6  | 22 | 125 | 58 | 19.5060 | 9 | 52 | 05.1600  |
| 7  | 23 | 125 | 58 | 10.1028 | 9 | 51 | 59.3064  |
| 8  | 24 | 125 | 58 | 01.6608 | 9 | 52 | 18.0552  |
| 9  | 25 | 125 | 57 | 40.2840 | 9 | 52 | 37.2504  |
| 10 | 26 | 125 | 57 | 51.5988 | 9 | 53 | 03.9552  |
| 11 | 27 | 125 | 58 | 00.0516 | 9 | 53 | 54.8088  |
| 12 | 28 | 125 | 58 | 41.0124 | 9 | 54 | 01.0476  |
| 13 | 29 | 125 | 59 | 27.4668 | 9 | 54 | 40.2588  |
| 14 | 30 | 125 | 59 | 38.3244 | 9 | 55 | 28.3188  |
| 15 | 31 | 125 | 59 | 51.9432 | 9 | 55 | 54.3828  |
| 16 | 32 | 125 | 59 | 50.8812 | 9 | 56 | 32.0460  |
| 17 | 33 | 125 | 59 | 44.1564 | 9 | 56 | 48.1776, |

18 containing an approximate area of seven thousand one hundred seventy-nine  
 19 (7,179) hectares.

20 BLOCK 2

| 21 | LONGITUDE |        |         |         | LATITUDE |         |         |
|----|-----------|--------|---------|---------|----------|---------|---------|
|    | 22 Corner | Degree | Minutes | Seconds | Degree   | Minutes | Seconds |
| 23 | 1         | 126    | 0       | 48.4596 | 9        | 49      | 17.5116 |
| 24 | 2         | 126    | 0       | 46.2564 | 9        | 49      | 58.9944 |
| 25 | 3         | 126    | 1       | 59.1780 | 9        | 50      | 55.1256 |
| 26 | 4         | 126    | 1       | 41.5848 | 9        | 51      | 08.4204 |
| 27 | 5         | 126    | 2       | 12.6096 | 9        | 51      | 37.5804 |
| 28 | 6         | 126    | 2       | 43.9404 | 9        | 51      | 30.9708 |

|    |    |     |   |         |   |    |          |
|----|----|-----|---|---------|---|----|----------|
| 1  | 7  | 126 | 2 | 53.2428 | 9 | 52 | 04.5048  |
| 2  | 8  | 126 | 1 | 57.7200 | 9 | 52 | 25.6080  |
| 3  | 9  | 126 | 1 | 34.0140 | 9 | 53 | 09.9204  |
| 4  | 10 | 126 | 2 | 08.2968 | 9 | 53 | 39.4512  |
| 5  | 11 | 126 | 2 | 29.8356 | 9 | 54 | 18.5616  |
| 6  | 12 | 126 | 2 | 27.6504 | 9 | 54 | 49.5756  |
| 7  | 13 | 126 | 3 | 05.8680 | 9 | 55 | 00.3972  |
| 8  | 14 | 126 | 3 | 47.6280 | 9 | 55 | 38.0208  |
| 9  | 15 | 126 | 4 | 06.2184 | 9 | 55 | 31.9908  |
| 10 | 16 | 126 | 4 | 42.2076 | 9 | 56 | 12.3000  |
| 11 | 17 | 126 | 4 | 58.7208 | 9 | 55 | 42.3984  |
| 12 | 18 | 126 | 5 | 35.7180 | 9 | 55 | 30.0972  |
| 13 | 19 | 126 | 5 | 07.5660 | 9 | 54 | 27.5256  |
| 14 | 20 | 126 | 5 | 17.5596 | 9 | 54 | 05.6376  |
| 15 | 21 | 126 | 5 | 12.3540 | 9 | 53 | 31.0308  |
| 16 | 22 | 126 | 4 | 33.3912 | 9 | 53 | 09.3912  |
| 17 | 23 | 126 | 4 | 13.0188 | 9 | 53 | 19.9680  |
| 18 | 24 | 126 | 4 | 30.8028 | 9 | 53 | 45.8952  |
| 19 | 25 | 126 | 3 | 53.9028 | 9 | 54 | 20.8728  |
| 20 | 26 | 126 | 3 | 24.0948 | 9 | 54 | 09.7884  |
| 21 | 27 | 126 | 3 | 32.2308 | 9 | 53 | 17.8764  |
| 22 | 28 | 126 | 3 | 06.4368 | 9 | 52 | 32.5092  |
| 23 | 29 | 126 | 3 | 43.0416 | 9 | 52 | 03.8532  |
| 24 | 30 | 126 | 3 | 30.8772 | 9 | 51 | 05.2740  |
| 25 | 31 | 126 | 3 | 13.1748 | 9 | 50 | 43.1232  |
| 26 | 32 | 126 | 1 | 40.7244 | 9 | 49 | 56.9064  |
| 27 | 33 | 126 | 1 | 45.4872 | 9 | 49 | 25.2660, |

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

3 BLOCK 3

| 4  | LONGITUDE |        |         |         | LATITUDE |         |          |
|----|-----------|--------|---------|---------|----------|---------|----------|
| 5  | Corner    | Degree | Minutes | Seconds | Degree   | Minutes | Seconds  |
| 6  | 1         | 126    | 5       | 09.6612 | 9        | 52      | 03.9072  |
| 7  | 2         | 126    | 5       | 54.6432 | 9        | 51      | 03.4776  |
| 8  | 3         | 126    | 4       | 55.2396 | 9        | 50      | 20.2200  |
| 9  | 4         | 126    | 5       | 03.1200 | 9        | 49      | 38.4600  |
| 10 | 5         | 126    | 3       | 40.1112 | 9        | 48      | 49.1652  |
| 11 | 6         | 126    | 3       | 38.0844 | 9        | 49      | 34.1616  |
| 12 | 7         | 126    | 3       | 53.5932 | 9        | 49      | 11.8704  |
| 13 | 8         | 126    | 4       | 01.8156 | 9        | 49      | 18.6528  |
| 14 | 9         | 126    | 4       | 05.1384 | 9        | 50      | 06.6984  |
| 15 | 10        | 126    | 4       | 16.2444 | 9        | 50      | 46.4748  |
| 16 | 11        | 126    | 4       | 13.5120 | 9        | 51      | 91.1908  |
| 17 | 12        | 126    | 3       | 53.5176 | 9        | 51      | 38.5452  |
| 18 | 13        | 126    | 4       | 01.1352 | 9        | 51      | 49.0644  |
| 19 | 14        | 126    | 3       | 58.9392 | 9        | 52      | 02.7696  |
| 20 | 15        | 126    | 4       | 07.3092 | 9        | 52      | 32.4660  |
| 21 | 16        | 126    | 4       | 28.3944 | 9        | 52      | 37.8768  |
| 22 | 17        | 126    | 4       | 41.9700 | 9        | 52      | 33.2112, |

23 containing an approximate area of one thousand one hundred forty-nine  
 24 (1,149) hectares.

25 BLOCK 4

| 26 | LONGITUDE |        |         |         | LATITUDE |         |         |
|----|-----------|--------|---------|---------|----------|---------|---------|
| 27 | Corner    | Degree | Minutes | Seconds | Degree   | Minutes | Seconds |
| 28 | 1         | 125    | 54      | 16.1640 | 9        | 37      | 26.5980 |

|    |    |     |    |         |   |    |          |
|----|----|-----|----|---------|---|----|----------|
| 1  | 2  | 125 | 54 | 34.1100 | 9 | 37 | 03.1584  |
| 2  | 3  | 125 | 54 | 56.5632 | 9 | 37 | 06.3948  |
| 3  | 4  | 125 | 55 | 39.4896 | 9 | 36 | 15.1812  |
| 4  | 5  | 125 | 56 | 10.6944 | 9 | 36 | 32.4288  |
| 5  | 6  | 125 | 56 | 24.2196 | 9 | 36 | 43.1820  |
| 6  | 7  | 125 | 56 | 38.5404 | 9 | 36 | 43.2900  |
| 7  | 8  | 125 | 56 | 51.0036 | 9 | 36 | 30.5280  |
| 8  | 9  | 125 | 57 | 07.4088 | 9 | 36 | 26.1144  |
| 9  | 10 | 125 | 57 | 20.1672 | 9 | 36 | 10.8792  |
| 10 | 11 | 125 | 57 | 39.3876 | 9 | 35 | 58.6212  |
| 11 | 12 | 125 | 58 | 00.4224 | 9 | 35 | 57.2964, |

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

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

| 17 | LONGITUDE |        |         |         | LATITUDE |         |         |
|----|-----------|--------|---------|---------|----------|---------|---------|
|    | 18 Corner | Degree | Minutes | Seconds | Degree   | Minutes | Seconds |
| 19 | 1         | 9      | 48      | 24.0840 | 125      | 53      | 08.6712 |
| 20 | 2         | 9      | 52      | 28.3584 | 125      | 50      | 34.3176 |
| 21 | 3         | 9      | 52      | 46.7940 | 125      | 45      | 39.6396 |
| 22 | 4         | 9      | 58      | 27.8580 | 125      | 45      | 58.3488 |
| 23 | 5         | 9      | 58      | 27.8580 | 125      | 54      | 42.2172 |
| 24 | 6         | 10     | 06      | 41.0148 | 126      | 02      | 01.8924 |
| 25 | 7         | 10     | 05      | 59.5356 | 126      | 06      | 05.1156 |
| 26 | 8         | 9      | 51      | 00.7884 | 126      | 12      | 28.6632 |
| 27 | 9         | 9      | 33      | 52.9884 | 126      | 13      | 38.8236 |
| 28 | 10        | 9      | 33      | 06.9012 | 126      | 05      | 27.6972 |



1           The PAMB shall be composed of the DENR Regional Executive  
2 Director (RED) for the Caraga Region, as chairperson, and the following, as  
3 members:

4           (a) The mayors of each municipality or their respective duly designated  
5 representatives who must be an official of the same municipality;

6           (b) The barangay captains of all barangays affected in each  
7 municipality;

8           (c) Three (3) representatives selected from duly accredited local  
9 community organizations through a process that they themselves adopted;

10          (d) Three (3) representatives selected from among the NGOs operating  
11 in the area through a process that they themselves adopted;

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

15          (f) 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          (g) 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  
27 the PAMB shall serve for a term of five (5) years, subject, however, to the

1 elected office held, government employment and/or official designation in the  
2 LGU, 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 (BFAR-DA), deputation shall be made pursuant to Republic Act No. 8550 or  
22 "The Philippine Fisheries Code of 1998";

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

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

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

1 (j) Accept, review and approve, after establishing criteria and rules and  
2 procedures, proposals for projects or activities, including research and  
3 development on the natural resources, which affect biodiversity conservation,  
4 protection and sustainable development;

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

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

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

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



1 (d) Key management issues and activities such as habitat and wildlife  
2 conservation, sustainable use of land and marine resources and infrastructure  
3 development regulation;

4 (e) Establishment of zoning and activity regulations;

5 (f) Establishment of a visitor management program; and

6 (g) Establishment of sustainable livelihood and investment programs.

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

10 After its approval, adoption and certification, the plan shall be translated  
11 in the local vernacular and shall be made available for perusal by the general  
12 public.

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

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

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

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

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



1 tenurial instruments are granted, appropriate-use zones shall be established for  
2 the purpose of maintaining noncommercial livelihood activities.

3 Lands used as home lots or farm lots shall preferably be held by each  
4 household. Lands currently used on a communal basis shall not be held  
5 individually.

6 Tenurial instruments shall not be issued solely on the basis of tax  
7 declaration receipts but must be supported by indisputable evidence of  
8 permanent land-use for five (5) years before October 10, 1991, such as:

9 (a) Cultivated trees at their fruit-bearing stage;

10 (b) Physical structures in the area indicating prolonged occupancy;

11 (c) Certification from the barangay captain or any two (2) respected  
12 members of the nearest community attesting to occupancy; and

13 (d) Other relevant data (e.g. previous census reports) that may be  
14 accepted by the PAMB.

15 Existing land title instruments shall be reviewed by the PASu and  
16 endorsed by the PAMB to the DENR regional office for validation or initiation  
17 of reversion proceedings. The PAMB shall recommend the issuance of the  
18 appropriate tenure instrument consistent with the land classification and allow  
19 the use of its resources, as may be specified in each instrument.

20 Persons who fail to qualify as tenured migrants, including transient  
21 farmers, shall be allowed to gather and collect whatever they have planted  
22 within five (5) years from the effectivity of this Act. The transfer of  
23 nontenured migrants shall be made under the most humane conditions.

24 In the event of termination of a tenure instrument for cause or by  
25 voluntary surrender of rights, the PASu shall take immediate steps to  
26 rehabilitate the area and restore its natural state.

## CHAPTER IV

## SPECIAL AREAS OF CONCERN

1  
2  
3       SEC. 13. *Existing Commercial Facilities.* – Within ninety (90) days  
4 from the effectivity of this Act, all existing commercial facilities within the  
5 boundaries of the protected area or its buffer zones with a total capitalization in  
6 excess of Fifty thousand pesos (P50,000.00) shall submit to the PAMB,  
7 through the PASu, the following information:

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

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

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

12       (d) Energy requirements and sources of energy.

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

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

25       Facilities allowed to remain within the protected area or its buffer zones  
26 shall be charged a fee by the PAMB, which shall not be more than two percent  
27 (2%) of the annual gross income of the facility: *Provided*, That existing  
28 commercial facilities whose operations and/or purposes are deemed contrary to

1 the management objectives shall be ordered by the PAMB to vacate the area  
2 within such time as the PAMB may require.

3 SEC. 14. *Utilization of Resources.* – Livelihood activities requiring  
4 the use of natural resources derived from the protected area shall be allowed  
5 only when sustainable, consistent with management and action plans, and after  
6 prior PAMB approval.

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

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

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

19 Commercial exploitation of water resources shall require prior PAMB  
20 approval, in accordance with the management and action plans, and shall  
21 undergo the EIA System.

## 22 CHAPTER V

### 23 PENAL PROVISIONS

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

1 (a) Killing and destroying wildlife species, except in the following  
2 instances:

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

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

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

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

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

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

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

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

17 (2) Burning;

18 (3) Logging; and

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

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

21 (e) Trading of wildlife;

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

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

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

28 (i) Transporting of wildlife; and

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

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

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

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

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

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

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

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

27 (1) Imprisonment of four (4) years and one (1) day to six (6) years  
28 and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand

1 pesos (P500,000.00), if inflicted or undertaken against species listed as critical;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           A fine of not less than Two hundred fifty thousand pesos (P250,000.00)  
2 but not more than Five hundred thousand pesos (P500,000.00) and/or  
3 imprisonment of not less than five (5) years but not more than twenty (20)  
4 years and the restoration and rehabilitation of the damaged area or resource  
5 shall be imposed upon any person who shall commit, within the protected area,  
6 the acts prohibited under Sections 88 and 92 of the Philippine Fisheries Code  
7 of 1998.

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

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

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

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

1 area fund. The procedure for the sale of confiscated objects shall be  
2 promulgated by the PAMB.

## 3 CHAPTER VI

### 4 MISCELLANEOUS PROVISIONS

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

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

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



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 be in 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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