



HOUSE OF REPRESENTATIVES

H. No. 6717

BY REPRESENTATIVES JAAFAR, ARROYO (I.), CUA (J.), AQUINO, UNGAB, FUA,
ZAMORA (M.), MATUGAS AND GARAY, PER COMMITTEE REPORT
NO. 2293

AN ACT DECLARING THE TURTLE ISLANDS LOCATED IN THE MUNICIPALITY OF TURTLE ISLANDS, PROVINCE OF TAWI- TAWI AS A PROTECTED AREA

*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 “Turtle Islands
2 Protected Area (TIPA) Act of 2009”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
4 State to regulate the utilization of fishery and marine resources, aggregates,
5 and wild flora and fauna; to protect and preserve the culture of the people,
6 indigenous knowledge, artifacts and sites; and ensure the continuity of
7 endangered, threatened and rare species. Toward these ends, the State shall
8 conserve, preserve and protect the scenic, cultural, historical and
9 archaeological features of the turtle islands including the diverse terrestrial and
10 marine ecosystems thereof for the benefit of its people and mankind.

11 SEC. 3. *Scope and Coverage.* – The TIPA shall be managed as a
12 wildlife sanctuary pursuant to the provisions of Republic Act No. 7586,
13 otherwise known as the National Integrated Protected Areas System (NIPAS)

1 Act of 1992, covering the islands of Taganak, Baguan, Langaan, Boan,
 2 Lihiman, Great Bakkungan and Sibaung, within the Municipality of Turtle
 3 Islands, Province of Tawi-Tawi, including the municipal waters, containing a
 4 total area of more or less two hundred forty-two thousand nine hundred
 5 sixty-seven hectares (242,967 has.). In particular, three hundred eighteen
 6 hectares (318 has.) of the TIPA constitute the aggregate land portion of the six
 7 (6) islands while the remaining two hundred forty-two thousand six hundred
 8 forty-nine hectares (242,649 has.) constitute the marine portion.

9 The boundary of the TIPA begins at a point marked "1" on the map,
 10 which is identical to corner 2 of the existing International Treaty Limits, with
 11 coordinates 06°00'00" latitude and 118°20'23" longitude based from the
 12 National Mapping and Resources Information Authority (NAMRIA) Map of
 13 Balabac Strait No. 4720, Cybersoft Inc:

14	Thence	Due West	32,349.05 meters	to corner 2;
15	Thence	N. 52°00'00" W.	51,840.00 meters	to corner 3;
16	Thence	Due North	21,035.00 meters	to corner 4;
17	Thence	Due East	14,400.00 meters	to corner 5;
18	Thence	N. 53°27'49.5" E.	17,394.45 meters	to corner 6;
19	Thence	N. 85°24'07.9" E.	7,921.65 meters	to corner 7;
20	Thence	N. 71°26'46.2" E.	8,518.67 meters	to corner 8;
21	Thence	N. 52°27'48.2" E.	20,990.33 meters	to corner 9;
22	Thence	N. 15°20'38.4" E.	8,461.24 meters	to corner 10;
23	Thence	Due South	17,500.00 meters	to corner 1

24 The technical description of the TIPA shall be subject to actual ground
 25 survey using the Global Positioning System (GPS). Thereafter, marine buoys
 26 shall be established on the corners as boundary markers.

1 SEC. 4. *Land Classification.* – All lands and waters comprising the
2 TIPA shall fall under the classification of national park as provided for in the
3 Philippine Constitution.

4 SEC. 5. *Definition of Terms.* – For purposes of this Act, the following
5 terms are defined as follows:

6 (a) “Biodiversity” shall refer to the variability among living organisms
7 on the earth, including the variability within and between species, and within
8 and between ecosystems.

9 (b) “Bioprospecting” shall refer to research, collection and utilization
10 of biological and genetic resources for purposes of applying the knowledge
11 derived from these resources solely for commercial purposes.

12 (c) “Commercial fishers/fisherfolk” shall refer to persons who catch
13 fish and other fishery products using fishing vessels of more than three (3)
14 gross tons.

15 (d) “Conservation fees” shall refer to fees collected from authorized
16 users of the TIPA.

17 (e) “Coral” shall refer to all bottom dwelling animals under the phylum
18 *Cnidaria*, which are a major part of the reef community. This definition
19 includes four (4) types of corals: (1) those that produce a hard skeleton out of
20 calcium carbonate such as all scleractinian corals, the hydrozoan corals
21 (firecorals), and the blue and red corals under the genera *Heliopora* and
22 *Tubipora*; (2) the antipatharian or black corals with a rigid, chitinous skeleton;
23 (3) the gorgonians with a horny and/or calcareous axis; and (4) the soft bodied
24 anthozoans, such as sea anemones, and the soft corals under the systematical
25 group of *Alcyonaria* or *Octocorallia*.

26 (f) “Environmental Guarantee Fund” shall refer to a negotiated
27 amount, on a per project basis, that covers expenses for information and

1 communication activities by multisectoral teams, repair or rehabilitation works
2 and compensation for damages attributable to the operation of the project.

3 (g) "Exotic species" shall refer to species or subspecies that do not
4 naturally occur within the biogeographic region of the TIPA at present or in
5 historical time.

6 (h) "Explosives" shall refer to dynamite, other explosives or other
7 chemical compounds that contain combustible elements or ingredients which,
8 upon ignition by friction, concussion, percussion or detonation of all or parts of
9 the compound, will kill, stupefy, disable or render unconscious any species.
10 It shall also refer to any other substance and/or device, including blasting caps
11 or any other component or part of explosive devices, which causes an
12 explosion that is capable of producing harmful effects on any resources and
13 capable of damaging and altering the natural habitat.

14 (i) "Gear" shall refer to any instrument or device and its accessories,
15 which is utilized in taking, catching, gathering, killing, hunting, destroying,
16 disturbing, removing or possessing resources within the TIPA.

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

22 (k) "Littering" shall refer to the disposal of small amount of
23 nonbiodegradable solid waste materials such as, but not limited to, cigarette
24 butts, candy wrappers, plastic materials, bottles or glasses in the TIPA.

25 (l) "Municipal fishers/fisherfolk" shall refer to persons who catch fish
26 and other fishery products using fishing vessels of three (3) gross tons or less,
27 or whose fishing methods do not require the use of fishing vessels.

1 (m) "Muro-ami" shall refer to the method used in reef fishing consisting
2 of a movable bag net, detachable wings and scare lines having plastic strips
3 and iron/steel/stone weights effecting fish capture by spreading the net in an
4 arc around reefs or shoals and, with the use of the scare lines, a cordon of
5 people drive the fish towards the waiting net while pounding the corals by
6 means of heavy weights like iron/steel/stone or rock making it destructive to
7 corals.

8 (n) "National Integrated Protected Areas Systems (NIPAS)" shall refer
9 to the classification and administration of all designated protected areas to
10 maintain essential ecological processes and life-support systems, to preserve
11 genetic diversity, to ensure sustainable use of resources found therein, and to
12 maintain their natural conditions to the greatest extent possible.

13 (o) "Natural resources" shall refer to materials and conditions
14 occurring in nature which are capable of economic gain, benefit or
15 exploitation, including land, water and air and everything found in them.

16 (p) "Nongovernmental organization (NGO)" shall refer to any civic,
17 developmental, environmental or philanthropic nonstock, nonprofit
18 organization, duly registered, having bylaws, democratically-elected
19 representatives, with qualifications, expertise and objectivity in activities
20 concerning community organizing and development, or resource and
21 environmental conservation, management and protection.

22 (q) "Non-renewable resources" shall refer to those resources that
23 cannot be re-made, re-grown or regenerated on a scale comparative to its
24 consumption.

25 (r) "Noxious or poisonous substances" shall refer to any substance,
26 plant extract or juice, sodium cyanide and/or cyanide compounds or other
27 chemicals either in raw or processed form, harmful or harmless to human

1 beings, which will kill, stupefy, disable or render unconscious any marine
2 organism and are capable of damaging and altering the natural habitat.

3 (s) "People's organization (PO)" shall refer to a group of people which
4 may be an association, cooperative, federation, aggrupation of individuals or
5 groups with an identifiable structure of decision-making and accountability,
6 established to undertake collective action to address community concerns and
7 needs in relation to the protected area.

8 (t) "Poaching" shall refer to fishing or operating any fishing vessel,
9 gathering and/or purchase or possession of any fishery products within
10 Philippine waters by any foreign person, corporation or entity.

11 (u) "Private rights" shall refer to the right of individual persons to own
12 under existing laws, and in the case of indigenous cultural communities, rights
13 of possession since time immemorial, which possession may include places of
14 abode and worship, burial grounds and well-defined territories.

15 (v) "Protected area" shall refer to identified portions of land and water,
16 set aside by reason of their unique physical and biological significance,
17 managed to enhance biological diversity and protected against destructive
18 human exploitation.

19 (w) "Protected species" shall refer to any plant or animal, which has
20 been declared protected under Philippine laws, rules and regulations. Protected
21 species include all species listed under the Convention on International Trade
22 in Endangered Species of Wild Fauna and Flora (CITES) and all its Annexes,
23 the Bonn Convention on Migratory Species (CMS), those specified under the
24 red-list categories of the International Union for Conservation of Nature
25 (IUCN), or any plant or animal which the Protected Area Management Board
26 (PAMB) or any government agency may deem necessary for conservation and
27 preservation in the TIPAs.

1 (x) "Purse seine" shall refer to a fishing gear characterized by
2 encircling net having a line at the bottom passing through rings attached to the
3 net, which can be drawn or pursed. In general, the net is set from a boat or
4 boats around the school of aquatic resources, the bottom of the net is pulled
5 closed with the purse line and the net is then pulled aboard the boat or boats
6 until the resources are concentrated in the bunt or bag.

7 (y) "Resources" shall refer to all natural endowments, whether aquatic
8 or terrestrial, living or non-living, found in the TIPAs.

9 (z) "Stakeholders" shall refer to individuals, communities, agencies,
10 institutions, organizations, aggregation of specific interests or sectors which
11 have particular interest in the achievement of the objectives of this Act, and/or
12 enjoyment or utilization in any form of the resources within the TIPAs.

13 (aa) "Sustainable development" shall refer to the integration of
14 environment preservation and development to ensure that the needs of present
15 and future generations are properly met and their quality of life enhanced,
16 through the judicious utilization and conservation of assets and resources and
17 the adoption and the application of practices, whether indigenous or acquired,
18 which tend to preserve or enhance the value of the asset or resource.

19 (bb) "Tenured migrants" shall refer to the occupants within the
20 protected area who have actually and continuously occupied such area for five
21 (5) years before its designation as a protected area and are solely dependent
22 therein for subsistence.

23 (cc) "Trawl" shall refer to the gear consisting of a bag-shaped net
24 which is dragged or towed along the bottom or through the water column to
25 take aquatic resources by straining them from the water, including all
26 variations and modifications of trawls in bottom, mid-water, baby trawls and
27 tow nets.

1 (dd) "Vessel" shall refer to any watercraft, including nondisplacement
2 crafts and seaplanes, used or capable of being used as a means of
3 transportation on water. It shall include everything found therein, except
4 personal effects.

5 (ee) "Waste" shall refer to discarded items of solid, liquid, contained
6 gas or in semi-solid form, and from whatever source, which may cause or
7 contribute to the deterioration of the resources or habitats in the TIPA.

8 (ff) "Water" shall refer to fresh, inland and marine water bodies as
9 well as all resources found therein.

10 (gg) "Wildlife sanctuary" shall refer to an area that assures the natural
11 conditions necessary to protect nationally significant species, groups of
12 species, biotic communities or physical features of the environment that may
13 require specific human manipulation for their perpetuation.

14 SEC. 6. *Administration and Management.* – The TIPA is hereby placed
15 under the control and administration of the PAMB. To carry out the mandate
16 of this Act, the PAMB is empowered to perform any and all of the following
17 acts:

18 (a) Conduct studies on various characteristics, features and conditions
19 of the TIPA:

20 (b) Adopt and enforce a land-use scheme and zoning plan in adjoining
21 areas for the preservation and control of activities that may threaten the
22 ecological balance of the TIPA;

23 (c) Cause the preparation of and exercise the power to review all plans
24 and proposals for the management of the protected area;

25 (d) Promulgate rules and regulations necessary to carry out the
26 provisions of this Act;

1 (e) Deputize field officers and delegate any of its powers under this Act
2 and other laws to expedite its implementation and enforcement;

3 (f) Enter into contracts and/or agreements with private entities or
4 public agencies as may be necessary to carry out the purposes of this Act;

5 (g) Approve administrative fees and fines for violations of guidelines,
6 and the rules and regulations promulgated pursuant to this Act as would
7 endanger the viability of the protected area;

8 (h) Accept, in the name of the Philippine government, and in behalf of
9 the TIPA, funds, gifts or bequest of money for immediate disbursement or
10 other property in the interest of the protected area, its activities, or its services;

11 (i) Call on any agency or instrumentality of the government, as well as
12 academic institutions, nongovernment organizations (NGOs) and the private
13 sector as may be necessary to accomplish the objectives and activities in the
14 protected area;

15 (j) Submit an annual report to the President of the Philippines and to
16 Congress on the status of the TIPA;

17 (k) Establish a uniform marker, including an appropriate and distinctive
18 symbol for each category in the area, in consultation with appropriate
19 government agencies and private organizations;

20 (l) Approve the specification of the class, type, and style of building
21 and other structures to be constructed in the TIPA including the materials to be
22 used;

23 (m) Perform such other functions as may be directed by the Secretary of
24 the Department of Environment and Natural Resources (DENR), and such acts
25 as may be necessary or incidental to the accomplishment of the purposes and
26 objectives of this Act;

1 (n) Evaluate evidences in support of tenured migrants' claims or status
2 for the granting of tenurial instruments;

3 (o) Approve the budget and funding for proposed projects;

4 (p) Decide matters relating to planning, peripheral or resource
5 protection, and general administration of the area in accordance with the
6 General Management Planning Strategy (GMPS);

7 (q) Approve the delineation and demarcation of the protected area
8 boundaries and ancestral domains and recognize the rights and privileges of
9 indigenous communities under the provisions of this Act;

10 (r) Promulgate rules and regulations to promote development programs
11 and projects on biodiversity conservation and sustainable development
12 consistent with the management manual of the protected area ensuring that the
13 management plan provides livelihood benefits for local residents;

14 (s) Regulate the construction, operation, and maintenance of roads,
15 trails, waterworks, sea lanes, sewerage, fire protection and sanitation systems,
16 and other public utilities within the protected area;

17 (t) Ensure the implementation of programs as prescribed in the
18 management plan in order to provide employment to the people dwelling in
19 and around the TIPA;

20 (u) Resolve, with the assistance from NGOs, conflicts between
21 livelihood and protection needs of the communities and protected area,
22 respectively;

23 (v) Monitor and evaluate the performance of the protected area
24 personnel, NGOs, and the communities in ensuring for biodiversity
25 conservation and providing for sociocultural and economic development; and

26 (w) Exercise regulatory functions for prohibited acts inside the
27 protected area.

1 SEC. 7. *The Turtle Islands Protected Area Management Board.* – The
2 PAMB for the TIPA shall be composed of the following:

3 (a) Regional Executive Director of the DENR, Region IX, as
4 Chairperson;

5 (b) Governor of the Autonomous Region in Muslim Mindanao, as
6 Co-Chairperson;

7 (c) Provincial Planning and Development Coordinator (PPDC) of
8 Tawi-Tawi, member;

9 (d) One (1) representative from the municipal government of Turtle
10 Islands, member;

11 (e) One (1) representative each from the barangays constituting the
12 Municipality of Turtle Islands, member;

13 (f) Two (2) representatives from NGOs selected from among
14 themselves in an election called for the purpose, members;

15 (g) Two (2) representatives from people's organizations (POs) selected
16 from among themselves in an election called for the purpose, member;

17 (h) One (1) representative from each tribal community, member;

18 (i) One (1) representative from other government agencies to be
19 selected through election from the representatives of the agencies present in the
20 islands, member; and

21 (j) One (1) representative from the academe to be appointed by the
22 Secretary of the DENR, member.

23 SEC. 8. *Protected Area Superintendent (PASu) Office.* – There is
24 hereby established a protected area superintendent's office in charge of the
25 management, protection and administration of the TIPA. The PASu office
26 shall be supported by the existing personnel of the DENR. The head of office

1 shall be the chief operating officer of the TIPA and shall be accountable to the
2 Regional Executive Director of the DENR, Region IX, and the PAMB.

3 SEC. 9. *Tenured Migrants.* – Any person who has actually and
4 continuously occupied an area for five (5) years prior to its designation as part
5 of the TIPA and is solely dependent on the area for subsistence shall be
6 considered a tenured migrant. A tenured migrant shall be eligible to become a
7 steward of a portion of land within the multiple-use management area from
8 which he/she may derive subsistence. Persons who would not qualify as
9 tenured migrants shall be resettled in any appropriate multiple-use zone.

10 The PAMB shall consider the following as evidences in support of
11 tenured migrant status:

- 12 (a) Physical structures in the area indicating prolonged occupancy;
- 13 (b) Tax declaration receipts;
- 14 (c) Certification from the barangay captain or any two (2) respected
15 members of the nearest community attesting to occupancy; and
- 16 (d) Other relevant data such as previous census reports.

17 The PAMB shall develop a tenurial instrument consistent with the
18 conservation goals. Such instrument shall be prepared within twelve (12)
19 months from the effectivity of this Act.

20 The rights, interests and activities of tenured migrants within the TIPA
21 shall be governed by the principles of biodiversity protection, conservation and
22 sustainable development and by the guidelines prescribed in the GMPS as well
23 as the prohibitions as provided in Section 20 of the NIPAS Act: *Provided,*
24 That all plans, policies and guidelines affecting tenured migrants shall be
25 developed and implemented in partnership with them.

26 SEC. 10. *Other Activities Within the Protected Area; Environmental*
27 *Impact Assessment.* – Proposals for activities which are outside the scope of

1 the GMPS for protected areas shall be subject to an environmental impact
2 assessment (EIA) and recommendation by the PAMB before they are adopted.
3 No actual implementation of such activities shall be allowed without the
4 required environmental compliance certificate (ECC) under the Philippine
5 Environmental Impact Assessment (EIA) System. In addition to the
6 requirements needed in obtaining an ECC within the TIPA, a PAMB clearance
7 must be secured. Likewise, all existing project proponents in the area shall
8 furnish the PAMB a copy of their ECCs, for monitoring purposes, within thirty
9 (30) days upon the effectivity of this Act. In instances where such activities
10 are allowed to be undertaken, the proponent shall plan and carry them out in
11 such manner as will minimize any adverse effects to the TIPA.

12 All developmental, ecotourism and other economic activities within the
13 multiple-use zones shall be determined and/or subject for review by the
14 PAMB.

15 The energy and mineral resources of the TIPA may be subjected to
16 exploration only for the purpose of gathering information on energy and
17 mineral resources. Surveys shall be conducted only in accordance with a
18 program approved by the DENR, as recommended by the PAMB, and the
19 result of such surveys shall be made available to the public.

20 Should an area or portion thereof or activities fall under the jurisdiction
21 of government instrumentalities other than the PAMB prior to the passage of
22 this Act, such jurisdiction shall remain in the said department or government
23 instrumentality exercising administrative jurisdiction over said area or portion
24 thereof or activity: *Provided*, That these agencies shall coordinate with the
25 PAMB in the preparation of the management plan upon the effectivity of this
26 Act.

1 SEC. 11. *Turtle Islands Protected Area Fund.* – There is hereby
2 established a trust fund to be known as the TIP A Fund for purposes of
3 financing projects of the system. All income generated from the operation of
4 the system or management of wild flora and fauna in the TIP A shall accrue to
5 the Fund. These income shall be derived from fees from permitted sale and
6 export of flora and fauna and other resources from the protected area; proceeds
7 from lease of multiple-use areas; contributions from industries and facilities
8 directly benefiting from the protected area; and such other fees and income
9 derived from the operation of the protected area.

10 The Fund may be augmented by grants, donations, endowment from
11 various sources, domestic or foreign, for purposes related to their functions:
12 *Provided*, That the Fund shall be deposited as a special account in the National
13 Treasury and disbursements therefrom shall be made solely for the protection,
14 maintenance, administration, and management of the system, and duly
15 approved projects endorsed by the PAMB in accordance with existing
16 accounting and budgeting rules and regulations: *Provided, further*, That the
17 Fund shall not be used to cover personal services expenditures.

18 The local government units (LGUs) shall continue to impose and collect
19 all other fees not enumerated herein which they have traditionally collected,
20 such as business permits, property tax, and rentals of LGUs' facilities.
21 Furthermore, LGUs may charge add-ons to fees imposed by the PAMB:
22 *Provided*, That such add-ons shall be determined based on the contribution of
23 the LGUs in the maintenance and protection of the protected area.

24 SEC. 12. *Special Prosecutors.* – The Department of Justice (DOJ) shall
25 assign and/or designate a special prosecutor within sixty (60) days from the
26 effectivity of this Act to solely prosecute violations of laws, rules and
27 regulations within the TIP A.

1 The PAMB may recommend the immediate replacement of the special
2 prosecutor if found remiss in the performance of his/her duties and
3 responsibilities.

4 SEC. 13. *Prohibited Acts.* – The following acts are prohibited within
5 the TIPA:

6 (a) Hunting, destroying and distributing or mere possession of any
7 plant and animal, especially marine turtles, and its byproducts without a permit
8 from the PAMB;

9 (b) Dumping of any waste products detrimental to the protected area,
10 or to the plants and animals or inhabitants therein;

11 (c) Using any motorized equipment and vehicles within prohibited
12 areas without a permit from the PAMB;

13 (d) Mutilating, defacing or destroying objects of natural beauty or
14 objects of interest to cultural communities;

15 (e) Damaging and leaving roads and trails in a damaged condition;

16 (f) Squatting, mineral locating or otherwise occupying any land;

17 (g) Constructing or maintaining any kind of structure, fence or
18 enclosures or conducting any business enterprise without a permit;

19 (h) Leaving in exposed or unsanitary condition refuse or debris, or
20 depositing the same in the ground or in bodies of water;

21 (i) Altering, removing, destroying or defacing boundary marks or
22 signs;

23 (j) Illegal fishing, such as trawl fishing or that which makes use of
24 electrical gadgets, poison, dynamite, super light and similar practices;

25 (k) Extraction of flora and fauna; and

26 (l) Entry without permit of the following: campers, divers, spelunkers,
27 study/research groups/individuals and visitors/tourists.

1 SEC. 14. *Penalties.* – Whoever is found guilty by a competent court of
2 justice of any of the offenses in the preceding section shall be penalized with a
3 fine of not less than Ten thousand pesos (P10,000.00) nor more than Five
4 hundred thousand pesos (P500,000.00), exclusive of the value of the thing
5 damaged, or imprisonment for not less than one (1) year but not more than six
6 (6) years, or both, as determined by the court: *Provided,* That the offender
7 shall also be required to restore or compensate for the restoration to the
8 damage: *Provided, further,* That the court shall order the eviction of the
9 offender from the land and the forfeiture in favor of the government of all
10 minerals, timber, or any species collected or removed including all equipment,
11 devices and firearms used in connection therewith, or any construction or
12 improvements made thereon by the offender. If the offender is an association
13 or corporation, the president or manager shall be directly responsible for the
14 acts of his/her employees and laborers: *Provided, finally,* That the DENR shall
15 impose administrative fines and penalties it may deem fit and consistent with
16 this Act.

17 In order to penalize violators of any activity not anticipated in this Act,
18 the PAMB is hereby authorized to impose corresponding administrative
19 penalties.

20 SEC. 15. *Unauthorized Entry, Enjoyment or Use.* – No person or entity
21 except those authorized by the PAMB and undertaking their lawful functions,
22 shall enter, enjoy or use any portion of the TIPAs and its resources for whatever
23 purpose without prior permission from the PAMB as herein provided.

24 Except in emergency situations, it shall be unlawful to enter the TIPAs
25 without prior permission from the PAMB or the PASu as herein provided.
26 It shall also be unlawful to enter, enjoy or use for any purpose any prohibited

1 management zone. This rule shall similarly apply to the use of vessels, gears
2 and equipment in management zones where such are not allowed.

3 Violation of this section shall subject the responsible person or entity to
4 an administrative fine from Fifty thousand pesos (P50,000.00) to One hundred
5 thousand pesos (P100,000.00), as may be determined by the PAMB. If the
6 violator is a commercial fisher/fisherfolk, the fine shall be Five hundred
7 thousand pesos (P500,000.00).

8 SEC. 16. *Non-payment of Conservation Fees.* – It shall be unlawful for
9 any person or entity to enjoy or utilize the TIPA and the resources therein
10 without payment of conservation fees as may be imposed by the PAMB.

11 Violators of this section shall, in addition to the payment of the
12 conservation fee, pay the administrative fine of double the amount of the
13 conservation fee set by the PAMB for the activity undertaken.

14 SEC. 17. *Dumping or Discharging of Waste and Littering.* – It shall be
15 unlawful for any person or entity to dump or discharge waste which includes,
16 but is not limited to, any spilling, leaking, pumping, pouring, emitting,
17 emptying or dumping, inside the TIPA. It shall likewise be unlawful to clean
18 and change oil of vessels within the TIPA.

19 Violation of this provision shall be punishable by imprisonment of six
20 (6) months to one (1) year, and a fine of not less than Five thousand pesos
21 (P5,000.00). The PAMB shall impose an administrative fine of not less than
22 Fifty thousand pesos (P50,000.00) and not more than One hundred thousand
23 pesos (P100,000.00), and order the violator to clean up the waste or pay for the
24 clean-up.

25 It shall likewise be unlawful to litter within the TIPA. Violation of this
26 provision shall be penalized by the PAMB with an administrative fine from
27 Five thousand pesos (P5,000.00) to Ten thousand pesos (P10,000.00).

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

4 Violation of this section shall be punished with imprisonment of six (6)
5 months to six (6) years; a fine of Five hundred thousand pesos (P500,000.00)
6 to One million pesos (P1,000,000.00); and forfeiture of the resources subject
7 of the offense and the equipment, gears and vessels used. The PAMB shall also
8 impose an administrative fine ranging from Five hundred thousand pesos
9 (P500,000.00) to One million pesos (P1,000,000.00); and confiscation and
10 forfeiture of the resources subject of the offense and the equipment, gears and
11 vessels used.

12 SEC. 19. *Introduction of Exotic Species.* – It shall be unlawful to
13 introduce exotic species of plants or animals into the TIPA, including
14 discharging of ballast water or water taken in or discharged by the vessels to
15 increase stability and maneuverability.

16 Violation of this section shall be punished with imprisonment of six (6)
17 months to six (6) years; a fine of One hundred thousand pesos (P100,000.00) to
18 One million pesos (P1,000,000.00); and forfeiture of the resources subject of
19 the offense and the equipment, gears and vessels used. The PAMB shall also
20 impose an administrative fine ranging from Two hundred thousand pesos
21 (P200,000.00) to One million pesos (P1,000,000.00); and confiscation and
22 forfeiture of the resources subject of the offense and the equipment, gears and
23 vessels used.

24 SEC. 20. *Hunting, Catching, Fishing, Killing, Taking, Gathering,*
25 *Removing, Destroying, Disturbing or Possessing Resources.* – It shall be
26 unlawful for any person to actually or attempt to hunt, catch, fish, kill, take,
27 gather, remove, destroy, disturb or possess any resource, whether living or

1 nonliving, or products derived therefrom within the TIPA. The unauthorized
2 entry of a vessel in the TIPA shall be *prima facie* evidence of violation of this
3 section.

4 Violations of this section shall be punished as follows:

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

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

24 (b) Where the offender merely possesses explosives, noxious or
25 poisonous substances or electro-fishing devices within the TIPA, the
26 punishment shall be imprisonment ranging from four (4) years and two (2)
27 months and one (1) day to six (6) years; a fine ranging from Fifty thousand

1 pesos (P50,000.00) to One hundred thousand pesos (P100,000.00); and
2 forfeiture of fish catch and the fishing equipment, gears and vessels used. The
3 PAMB shall also impose an administrative fine ranging from Forty thousand
4 pesos (P40,000.00) to One hundred fifty thousand pesos (P150,000.00); and
5 confiscation and forfeiture of the resources subject of the offense and the
6 equipment, gears and vessels used.

7 (c) Where the offender takes, removes, fishes, gathers, kills, destroys
8 or possesses corals, except for scientific or research purposes authorized by the
9 PAMB, the penalty shall be imprisonment ranging from six (6) years and
10 one (1) day to twelve (12) years; a fine ranging from Twenty thousand pesos
11 (P20,000.00) to Eighty thousand pesos (P80,000.00); and forfeiture of the
12 corals and the equipment, gears and vessels used. The PAMB shall also
13 impose an administrative fine ranging from Thirty thousand pesos
14 (P30,000.00) to One hundred thousand pesos (P100,000.00); and confiscation
15 and forfeiture of the corals subject of the offense and the equipment, gears and
16 vessels used.

17 (d) Where the offender is engaged in fishing without permit, the
18 operator, owner and three (3) highest officers of a commercial fishing boat or
19 enterprise engaged therein shall be punished by a fine equivalent to the value
20 of the catch of Fifty thousand pesos (P50,000.00), whichever is higher;
21 imprisonment of two (2) years; confiscation of catch and fishing equipment,
22 gears and vessels used; and automatic revocation of license.

23 Where the offender is a municipal fisher, he/she shall be punished by a
24 fine equivalent to the value of the catch of Five thousand pesos (P5,000.00),
25 whichever is higher; imprisonment of three (3) months; and confiscation of
26 catch.

1 In any case, the PAMB may impose an administrative fine of not more
2 than Five thousand pesos (P5,000.00) against erring commercial fishers, and
3 not more than Ten thousand pesos (P10,000.00) against erring municipal
4 fishers; and confiscation of catch, fishing equipment, gears and vessels used.

5 (e) Where the offender uses any fishing gear or method that destroys
6 coral reefs, sea grass beds, or other marine life habitats as may be determined
7 by this Act, the PAMB, other laws, the Department of Agriculture (DA) or the
8 DENR, the operator, boat captain, master fisherman, and recruiter or organizer
9 of fishworkers involved shall suffer a penalty of six (6) years and one (1) day
10 to twelve (12) years imprisonment; a fine of not less than One hundred
11 thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00);
12 and forfeiture of catch, fishing equipment, gears and vessels used. The PAMB
13 shall also impose an administrative fine ranging from Four hundred thousand
14 pesos (P400,000.00) to One million pesos (P1,000,000.00); and confiscation
15 and forfeiture of catch, fishing equipment, gears and vessels used.

16 Where the offender is a municipal fisher, he/she shall be punished by a
17 fine ranging from Twenty thousand pesos (P20,000.00) to Forty thousand
18 pesos (P40,000.00); imprisonment of six (6) months to two (2) years; and
19 forfeiture of fish catch, fishing equipment, gears and vessels used. The PAMB
20 shall also impose an administrative fine ranging from Twenty thousand pesos
21 (P20,000.00) to One hundred thousand pesos (P100,000.00); and confiscation
22 and forfeiture of catch, fishing equipment, gears and vessels used.

23 Muro-ami, pa-aling, all kinds of trawls (galadgad, Norway), purse seine
24 (pangulong), Danish seine (hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba,
25 palisot, patangko, bira-bira, buli-buli, hulahoop, zipper, lampornas, etc.), ring
26 net (kubkob, pangulong, kalansisi), drive-in net (kayakas), round haul seine
27 (sapyaw, lawag), motorized push net (sudsod), bag net (basnig, saklit), or any

1 of their variations, are hereby declared destructive fishing methods or gears
2 under this provision.

3 (f) Where the offender gathers or removes pebbles, stones, rocks, sand
4 or other materials that form part of the habitat, or otherwise engages in the
5 quarrying or dredging of any portion of the TIPAs, the penalty shall be six (6)
6 years and one (1) day to ten (10) years imprisonment; a fine of not less than
7 Ten thousand pesos (P10,000.00) to Five hundred thousand pesos
8 (P500,000.00); and forfeiture of the substance taken from the habitat, and the
9 equipment and vessels used to commit such violation.

10 The PAMB shall also impose an administrative fine ranging from Thirty
11 thousand pesos (P30,000.00) to Seven hundred thousand pesos (P700,000.00);
12 and confiscation and forfeiture of the substance taken, and the equipment and
13 vessels used in the commission of the violation.

14 (g) Where the subject of the offense are protected species as defined in
15 this Act, the penalty shall be imprisonment of twelve (12) years to twenty (20)
16 years; a fine of One hundred twenty thousand pesos (P120,000.00) to One
17 million pesos (P1,000,000.00) for every threatened or endangered organism
18 subject of the offense; forfeiture of the catch, equipment, gears and vessels
19 used; and cancellation of the fishing permit. The PAMB shall also impose an
20 administrative fine ranging from One hundred fifty thousand pesos
21 (P150,000.00) to One million pesos (P1,000,000.00) for every threatened or
22 endangered organism subject of the offense; and confiscation and forfeiture of
23 the catch, equipment, gears and vessels used.

24 (h) Where the violations of this section are not covered by the preceding
25 paragraphs, the penalty shall be imprisonment of one (1) year to three (3)
26 years; a fine of not less than Ten thousand pesos (P10,000.00) but not more
27 than One hundred thousand pesos (P100,000.00); forfeiture of the catch,

1 equipment, gears and vessels used; and cancellation of the permit that enabled
2 the offender to commit the offense. The PAMB shall also impose an
3 administrative fine ranging from Fifteen thousand pesos (P15,000.00) to One
4 million pesos (P1,000,000.00); and confiscation and forfeiture of the catch,
5 equipment, gears and vessels used.

6 SEC. 21. *Poaching.* – It shall be unlawful for any person, corporation
7 or entity to fish or operate any fishing vessel in the TIPAs. The entry of any
8 foreign fishing vessel in the TIPAs shall constitute *prima facie* evidence that the
9 vessel is engaged in fishing in the area.

10 Violation of the above shall be punished by imprisonment of six (6)
11 years and one (1) day to twelve (12) years; and a fine of Five hundred thousand
12 pesos (P500,000.00), in addition to the forfeiture of its catch, fishing
13 equipment and fishing vessel used: *Provided*, That in case of nonpayment of
14 fine, subsidiary imprisonment shall be imposed: *Provided, further*, That the
15 PAMB is empowered to impose an administrative fine of not less than Two
16 hundred thousand pesos (P200,000.00), but not more than One million pesos
17 (P1,000,000.00), in addition to the confiscation and forfeiture of the fish catch,
18 fishing equipment, gears and vessels used. A hold-departure order shall be
19 issued as a condition for the grant of bail to any foreign offender. All
20 passports and documents, which may be used by the accused to flee the
21 country, must be surrendered to the court.

22 SEC. 22. *Violation of Environmental Impact Assessment System.* – The
23 PAMB shall prosecute violations of laws and rules on the EIA System in the
24 TIPAs. Such violations shall be punished by imprisonment of three (3) years to
25 five (5) years; a fine of One hundred thousand pesos (P100,000.00) for every
26 day that each violation subsists; rehabilitation of the affected area or the
27 amount equivalent thereto; and forfeiture of the vessels, structures, effects,

1 materials and equipment used, and the products of such violation. If the
2 offender is a corporation, the directors and officers shall suffer the
3 imprisonment. The PAMB shall also impose an administrative fine of One
4 hundred thousand pesos (P100,000.00) for every day that each violation
5 subsists; rehabilitation of the affected area or the amount equivalent thereto;
6 and confiscation and forfeiture of the vessels, structures, effects, materials and
7 equipment used, and the products of such violation.

8 SEC. 23. *Violation of Standards.* – The owner, operator and top
9 three (3) officers of any vessel violating the standards set by the PAMB such
10 as, but not limited to, safety and sanitation, shall suffer an administrative
11 penalty of a fine ranging from Twenty thousand pesos (P20,000.00) to Fifty
12 thousand pesos (P50,000.00) for every day that each violation subsists, and
13 from suspension of three (3) months to cancellation of permit to operate in the
14 TIPAs.

15 SEC. 24. *Obstruction to Law Enforcement Officer.* – The boat owner,
16 master, operator, officer, or any person acting on his/her behalf, of any vessel
17 who evades, obstructs or hinders any law enforcement officer in the TIPAs to
18 perform his/her duty, shall be administratively fined Fifty thousand pesos
19 (P50,000.00). In addition, the registration, permit and/or license of the vessel
20 including the license of the officers thereof shall be canceled.

21 SEC. 25. *Subsidiary Imprisonment.* – Nonpayment of fines imposed
22 under this Act shall be subject to subsidiary imprisonment as provided for by
23 existing laws.

24 SEC. 26. *Fines and Forfeitures.* – All administrative fines and
25 forfeitures that may be imposed by the PAMB under this Act and the rules and
26 regulations that may be promulgated in pursuit of the goals and objectives of
27 this Act shall form part of the funds and assets of the TIPAs.

1 In case of administrative confiscation or forfeiture of vessels, structures,
2 effects, materials and equipment, which are not necessary for the proper
3 prosecution of the offense charged, the PAMB may sell the forfeited vessels,
4 structures, effects, materials and equipment in a public auction. The proceeds
5 of the said sale shall accrue to the TIPA Fund created under this Act.

6 In case the confiscated vessels, structures, effects, materials and
7 equipment are in *custodia legis*, the PAMB or its counsel, after proper
8 proceedings, may move for the sale of the confiscated or forfeited vessels,
9 structures, effects, materials and equipment *pendente lite*: *Provided*, That the
10 said vessels, structures, effects, materials and equipment are no longer
11 necessary for the proper prosecution of the offense or if the same is necessary
12 but substitute evidence is accepted by the court. The proceeds of the said sale
13 shall likewise accrue to the TIPA Fund created under this Act.

14 SEC. 27. *Violation of Other Laws.* – Prosecution for violation of this
15 Act shall be without prejudice to the prosecution of the offender for violation
16 of other laws, rules and regulations.

17 SEC. 28. *Enforcement.* – The Armed Forces of the Philippines, through
18 the Philippine Navy, the Philippine National Police, the Philippine Coast
19 Guard, the law enforcement officers of the DENR and the Department of
20 Agriculture-Bureau of Fisheries and Aquatic Resources, the LGU officials, law
21 enforcement officers of LGUs, members and officers of the PAMB, the PASu
22 office staff, and other deputized environment and natural resources officers are
23 hereby authorized and shall cooperate in the enforcement of this Act, other
24 laws, rules and regulations within the TIPA.

25 Any one of the above persons and entities is authorized to file
26 administrative cases before the proper agencies and bodies, or initiate criminal
27 proceedings in accordance with the Rules of Court, for offenses committed

1 within the TIPA: *Provided*, That the apprehending entities may turn-over the
2 violators to the PASu office to ensure speedy prosecution of cases.

3 SEC. 29. *Inspection Powers.* – The PASu and his/her authorized
4 representative, including the authorities mentioned in Section 28, on
5 enforcement, shall have the power to stop, board, search and inspect all vessels
6 within the TIPA for the purpose of enforcing the provisions of this Act, other
7 laws, rules and regulations.

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

12 SEC. 31. *Separability Clause.* – If any provision of this Act is declared
13 unconstitutional, such declaration shall not affect the other parts or sections
14 hereof.

15 SEC. 32. *Repealing Clause.* – All laws, presidential decrees, executive
16 orders, or rules and regulations inconsistent with any provision of this Act shall
17 be deemed repealed or modified accordingly.

18 SEC. 33. *Effectivity Clause.* – This Act shall take effect fifteen (15)
19 days after its complete publication in two (2) newspapers of general
20 circulation.

Approved,

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