



## HOUSE OF REPRESENTATIVES

H. No. 5861

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BY REPRESENTATIVES JAAFAR, MATUGAS AND ABAYA, PER COMMITTEE  
REPORT NO. 1871

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AN ACT ESTABLISHING THE TURTLE ISLANDS WILDLIFE  
SANCTUARY IN THE MUNICIPALITY OF TURTLE ISLANDS,  
PROVINCE OF TAWI-TAWI AS A PROTECTED AREA,  
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 “Turtle Islands  
2 Protected Area (TIPA) Act of 2012”.

3           SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of  
4 the 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  
10 and marine ecosystems thereof for the benefit of its people and mankind.

1           SEC. 3. *Scope and Coverage.* – The TIPA shall be managed as a  
 2 wildlife sanctuary pursuant to the provisions of Republic Act No. 7586,  
 3 otherwise known as the National Integrated Protected Areas System (NIPAS)  
 4 Act of 1992, covering the islands of Taganak, Baguan, Langaan, Boan,  
 5 Lihiman, Great Bakkungan and Sibaung within the Municipality of Turtle  
 6 Islands, Province of Tawi-Tawi, including the municipal waters, containing a  
 7 total area of more or less two hundred forty-two thousand nine hundred  
 8 sixty-seven (242,967) hectares. In particular, three hundred eighteen (318)  
 9 hectares of the TIPA constitute the aggregate land portion of the six (6) islands  
 10 while the remaining two hundred forty-two thousand six hundred forty-nine  
 11 (242,649) hectares constitute the marine portion.

12           The boundary of the TIPA begins at a point marked "1" on the map,  
 13 which is identical to corner 1 of the existing International Treaty Limits, with  
 14 coordinates 06° 00' 00" latitude and 118° 37' 52.20" longitude based on the  
 15 National Mapping and Resources Information Authority (NAMRIA) map of  
 16 Balabac Strait No. 4720, Cybersoft Inc.;

17	Thence	Due West	32,349.05 meters	to corner 2;
18	Thence	N. 52° 00' 00" W.	51,840.00 meters	to corner 3;
19	Thence	Due North	21,035.15 meters	to corner 4;
20	Thence	Due East	14,400.00 meters	to corner 5;
21	Thence	N. 53° 27' 49.5" E.	17,394.45 meters	to corner 6;
22	Thence	N. 85° 24' 07.9" E.	7,921.65 meters	to corner 7;
23	Thence	N. 71° 26' 46.2" E.	8,518.67 meters	to corner 8;
24	Thence	N. 52° 27' 48.2" E.	20,990.33 meters	to corner 9;
25	Thence	N. 15° 20' 38.4" E.	8,461.24 meters	to corner 10;
26	Thence	Due South	17,500.00 meters	to corner 1.

27           The technical description of the TIPA shall be subject to actual survey  
 28 and verification by the Department of Environment and Natural Resources

1 (DENR). Any modification of the coverage of this Act due to such factors as  
2 changing ecological situations, new scientific or archaeological findings, or  
3 discovery of traditional boundaries not previously taken into account shall be  
4 made through an act of Congress, after consultation with the affected public  
5 and concerned government agencies.

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

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

11 (a) *Biodiversity* shall refer to the variability among living organisms on  
12 the earth, including the variability within and between species, and within and  
13 between ecosystems.

14 (b) *Bioprospecting* shall refer to research, collection and utilization of  
15 biological and genetic resources for purposes of applying the knowledge  
16 derived from these resources solely for commercial purposes.

17 (c) *Commercial fishers/fisherfolk* shall refer to persons who catch fish  
18 and other fishery products using fishing vessels of more than three (3) gross  
19 tons.

20 (d) *Conservation fees* shall refer to fees collected from authorized users  
21 of the TIPA.

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

1 anthozoans, such as sea anemones, and the soft corals under the systematical  
2 group of *Alcyonaria* or *Octocorallia*.

3 (f) *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 (g) *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. It  
10 shall also refer to any other substance and/or device, including blasting caps or  
11 any other component or part of explosive devices, which causes an explosion  
12 that is capable of producing harmful effects on any resource and capable of  
13 damaging and altering the natural habitat.

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

17 (i) *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 (j) *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 (k) *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 (l) *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 (m) *National Integrated Protected Areas System (NIPAS)* shall refer to  
9 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 (n) *Natural resources* shall refer to materials and conditions occurring  
14 in nature which are capable of economic gain, benefit or exploitation,  
15 including land, water and air and everything found in them.

16 (o) *NIPAS Act* shall refer to Republic Act No. 7586, otherwise known  
17 as the "National Integrated Protected Areas System Act of 1992".

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

24 (q) *Nonrenewable resources* shall refer to those resources that cannot  
25 be remade, regrown or regenerated on a scale comparative to its consumption.

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

1 will kill, stupefy, disable or render unconscious any marine organism and are  
2 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 been  
20 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 TIPA.

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

7           (y) *Resources* shall refer to all natural endowments, whether aquatic or  
8 terrestrial, living or nonliving, found in the TIPA.

9           (z) *Stakeholders* shall refer to individuals, communities, agencies,  
10 institutions, organizations, aggrupation 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 TIPA.

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 protected  
20 area who have actually and continuously occupied such area for five (5) years  
21 before its designation as a protected area and are solely dependent therein for  
22 subsistence.

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

27           (dd) *Vessel* shall refer to any watercraft, including nondisplacement  
28 crafts and seaplanes, used or capable of being used as a means of

1 transportation on water. It shall include everything found therein, except  
2 personal effects.

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

6 (ff) *Water* shall refer to fresh, inland and marine water bodies as well  
7 as all resources found therein.

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

12 SEC. 6. *Administration and Management.* – The TIPA is hereby  
13 placed under the control and administration of the DENR through the  
14 Provincial Environment and Natural Resources Office (PENRO) of  
15 Tawi-Tawi. To carry out the mandate of this Act, the DENR-PAMB is  
16 empowered to perform any and all of the following acts:

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

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

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

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

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



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

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

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

9 (i) Call on any agency or instrumentality of the government, as well as  
10 academic institutions, NGOs and the private sector as may be necessary to  
11 accomplish the objectives and activities in the TIPA;

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

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

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

20 (m) Perform such other functions as may be directed by the Secretary  
21 of the DENR, and such acts as may be necessary or incidental to the  
22 accomplishment of the purposes and objectives of this Act;

23 (n) Evaluate evidence in support of tenured migrants' claims or status  
24 for the granting of tenurial instruments;

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

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

1 (q) Approve the delineation and demarcation of the protected area  
2 boundaries and ancestral domains, and recognize the rights and privileges of  
3 the indigenous communities under the provisions of this Act;

4 (r) Promulgate rules and regulations to promote development programs  
5 and projects on biodiversity conservation and sustainable development  
6 consistent with the management manual of the protected area, ensuring that the  
7 management plan provides livelihood benefits for local residents;

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

11 (t) Ensure the implementation of programs as prescribed in the  
12 management plan in order to provide employment to the people dwelling in  
13 and around the TIPAs;

14 (u) Resolve, with the assistance from NGOs, conflicts between  
15 livelihood and protection needs of the communities and the protected area,  
16 respectively;

17 (v) Monitor and evaluate the performance of the protected area  
18 personnel, NGOs and the communities in ensuring for biodiversity  
19 conservation and in providing for sociocultural and economic development;  
20 and

21 (w) Exercise regulatory functions for prohibited acts inside the  
22 protected area.

23 *SEC. 7. The Turtle Islands Protected Area Management Board. –*

24 The PAMB for the TIPAs shall be composed of the following:

25 (a) The Regional Executive Director of the DENR, Region IX, as  
26 chairperson;

27 (b) The Governor of the Autonomous Region in Muslim Mindanao  
28 (ARMM), as cochairperson;

1 (c) The Provincial Planning and Development Coordinator (PPDC) of  
2 Tawi-Tawi, member;

3 (d) The Municipal Mayor of Turtle Islands or the designated  
4 representative, member;

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

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

9 (g) Two (2) representatives from POs selected from among themselves  
10 in an election called for the purpose, members;

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

12 (i) One (1) representative each from other government agencies to be  
13 designated by the head of the agency concerned, members; and

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

16 Except for the government officials who shall serve in *ex officio*  
17 capacities, members of the PAMB shall be appointed by the DENR Secretary  
18 and shall serve for a term of five (5) years without compensation: *Provided,*  
19 That they remain connected with the organization being represented. In the  
20 case of members who are government officials, their appointment shall be  
21 coterminous with their term of office. Whenever a vacancy occurs during the  
22 term of a nongovernment PAMB member, a new member shall be chosen in  
23 the same manner as the original selection process: *Provided,* That only the  
24 remainder of the term shall be served.

1           The members of the PAMB shall be entitled to reimbursement of actual  
2 and necessary traveling and subsistence expenses incurred when attending  
3 meetings of the PAMB or any of its committees, subject to government  
4 accounting, auditing and budgeting rules and regulations, and subject further to  
5 the availability of funds as reflected in the Work and Financial Plan (WFP),  
6 which is required in accessing funds from the Integrated Protected Area Fund  
7 (IPAF).

8           SEC. 8. *Protected Area Superintendent (PASu) Office.* -- There is  
9 hereby established a protected area superintendent's office in charge of the  
10 management, protection and administration of the TIPAs. The PASu office shall  
11 be supported by the existing personnel of the DENR. The head of office shall  
12 be the chief operating officer of the TIPAs and shall be accountable to the  
13 Regional Executive Director of the DENR, Region IX and the PAMB.

14           SEC. 9. *Tenured Migrants.* -- Any person who has actually and  
15 continuously occupied an area for five (5) years prior to its designation as part  
16 of the TIPAs and is solely dependent on the area for subsistence shall be  
17 considered a tenured migrant. A tenured migrant shall be eligible to become a  
18 steward of a portion of land within the multiple-use management area from  
19 which one may derive subsistence. Persons who would not qualify as tenured  
20 migrants shall be resettled in any appropriate multiple-use zone.

21           The PAMB shall consider the following as evidence in support of  
22 tenured migrant status:

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

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

4           The rights, interests and activities of tenured migrants within the TIPAs  
5 shall be governed by the principles of biodiversity protection, conservation and  
6 sustainable development and by the guidelines prescribed in the GMPS as well  
7 as the prohibitions provided in Section 20 of the NIPAS Act: *Provided, That*  
8 all plans, policies and guidelines affecting tenured migrants shall be developed  
9 and implemented in partnership with them.

10           SEC. 10. *Other Activities Within the Protected Area; Environmental*  
11 *Impact Assessment.* – Proposals for activities that are outside the scope of the  
12 GMPS for protected areas shall be subject to an Environmental Impact  
13 Assessment (EIA) and due recommendation by the PAMB before they are  
14 adopted. No actual implementation of such activities shall be allowed without  
15 the required Environmental Compliance Certificate (ECC) under the Philippine  
16 Environmental Impact Statement (EIS) System. In addition to the  
17 requirements needed in obtaining an ECC within the TIPAs, a PAMB clearance  
18 must be secured. Likewise, all existing project proponents in the area shall  
19 furnish the PAMB a copy of their ECCs, for monitoring purposes, within thirty  
20 (30) days upon the effectivity of this Act. In undertaking such activities, the  
21 proponent shall plan and carry them out in such manner as will minimize any  
22 adverse effects to the TIPAs.

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

26           The energy and mineral resources of the TIPAs may be subjected to  
27 exploration only for the purpose of gathering information on energy and  
28 mineral resources. Surveys shall be conducted only in accordance with a

1 program approved by the DENR, as recommended by the PAMB, and the  
2 result of such surveys shall be made available to the public.

3 Should an area or portion thereof or activities fall under the jurisdiction  
4 of government instrumentalities other than the PAMB prior to the passage of  
5 this Act, such jurisdiction shall remain in the said department or government  
6 instrumentality exercising administrative jurisdiction over said area or portion  
7 thereof or activity: *Provided*, That these agencies shall coordinate with the  
8 PAMB in the preparation of the management plan upon the effectivity of this  
9 Act.

10 SEC. 11. *Turtle Islands Protected Area (TIPA) Fund.* – There is  
11 hereby established a trust fund to be known as the TIPA Fund for purposes of  
12 financing projects of the system. All income generated from the operation of  
13 the system or the management of wild flora and fauna in the TIPA shall accrue  
14 to the fund. These income shall be derived from fees from permitted sale and  
15 export of flora and fauna and other resources from the protected area; proceeds  
16 from lease of multiple-use areas; contributions from industries and facilities  
17 directly benefiting from the protected area; and such other fees and income  
18 derived from the operation of the protected area.

19 The fund may be augmented by grants, donations, endowment from  
20 various sources, domestic or foreign, for purposes related to their functions:  
21 *Provided*, That the fund shall be deposited as a special account in the National  
22 Treasury and disbursements therefrom shall be made solely for the protection,  
23 maintenance, administration and management of the system, and duly approved  
24 projects endorsed by the PAMB in accordance with existing accounting and  
25 budgeting rules and regulations: *Provided, further*, That the fund shall not be  
26 used to cover personal services expenditures.

27 The local government units (LGUs) shall continue to impose and collect  
28 all other fees not enumerated herein which they have traditionally collected,

1 such as business permits, property tax and rentals of LGU facilities.  
2 Furthermore, LGUs may charge add-ons to fees imposed by the PAMB:  
3 *Provided*, That such add-ons shall be determined based on the contribution of  
4 the LGUs in the maintenance and protection of the protected area.

5 SEC. 12. *Special Prosecutor.* – The Department of Justice (DOJ)  
6 shall assign and/or designate a special prosecutor within sixty (60) days from  
7 the effectivity of this Act to solely prosecute violations of laws, rules and  
8 regulations within the TIPA.

9 The PAMB may recommend the immediate replacement of the special  
10 prosecutor if found remiss in the performance of his/her duties and  
11 responsibilities.

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

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

17 (b) Dumping of any waste product detrimental to the protected area, or  
18 to the plants and animals or inhabitants therein;

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

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

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

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

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

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

1 (i) Altering, removing, destroying or defacing boundary marks or  
2 signs;

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

5 (k) Extraction of flora and fauna; and

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

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

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



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

6           Except in emergency situations, it shall be unlawful to enter the TIPAs  
7 without prior permission from the PAMB or the PASu as herein provided. It  
8 shall also be unlawful to enter, enjoy or use for any purpose any prohibited  
9 management zone. This rule shall similarly apply to the use of vessels, gears  
10 and equipment in management zones where such are not allowed.

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

16           SEC. 16. *Nonpayment of Conservation Fees.* – It shall be unlawful  
17 for any person or entity to enjoy or utilize the TIPAs and the resources therein  
18 without payment of conservation fees as may be imposed by the PAMB.

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

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

27           Violation of this provision shall be punishable by imprisonment of six  
28 (6) months to one (1) year and a fine of not less than Five thousand pesos

1 (P5,000.00). The PAMB shall impose an administrative fine of not less than  
2 Fifty thousand pesos (P50,000.00) and not more than One hundred thousand  
3 pesos (P100,000.00), and order the violator to clean up the waste or pay for the  
4 clean-up.

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

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

11 Violation of this section shall be punished with imprisonment of six (6)  
12 months to six (6) years; a fine of Five hundred thousand pesos (P500,000.00)  
13 to One million pesos (P1,000,000.00); and forfeiture of the resources subject  
14 of the offense and the equipment, gears and vessels used. The PAMB shall  
15 also impose an administrative fine ranging from Five hundred thousand pesos  
16 (P500,000.00) to One million pesos (P1,000,000.00); and confiscation and  
17 forfeiture of the resources subject of the offense and the equipment, gears and  
18 vessels used.

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

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

1 forfeiture of the resources subject of the offense and the equipment, gears and  
2 vessels used.

3 SEC. 20. *Hunting, Catching, Fishing, Killing, Taking, Gathering,*  
4 *Removing, Destroying, Disturbing or Possessing Resources.* – It shall be  
5 unlawful for any person to actually or attempt to hunt, catch, fish, kill, take,  
6 gather, remove, destroy, disturb or possess any resource, whether living or  
7 nonliving, or products derived therefrom within the TIPAs. The unauthorized  
8 entry of a vessel in the TIPAs shall be *prima facie* evidence of violation of this  
9 section.

10 Violations of this section shall be punished as follows:

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

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

1 the possession of any person within the TIPA shall constitute *prima facie*  
2 evidence of violation of this Act;

3 (b) Where the offender merely possesses explosives, noxious or  
4 poisonous substances or electro-fishing devices within the TIPA, the  
5 punishment shall be imprisonment ranging from four (4) years and two (2)  
6 months and one (1) day to six (6) years; a fine ranging from Fifty thousand  
7 pesos (P50,000.00) to One hundred thousand pesos (P100,000.00); and  
8 forfeiture of fish catch and the fishing equipment, gears and vessels used. The  
9 PAMB shall also impose an administrative fine ranging from Forty thousand  
10 pesos (P40,000.00) to One hundred fifty thousand pesos (P150,000.00); and  
11 confiscation and forfeiture of the resources subject of the offense and the  
12 equipment, gears and vessels used;

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

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

1           Where the offender is a municipal fisher, the penalty shall be a fine  
2 equivalent to the value of the catch or Five thousand pesos (P5,000.00),  
3 whichever is higher; imprisonment of three (3) months; and confiscation of  
4 catch.

5           In any case, the PAMB may impose an administrative fine of not more  
6 than Five thousand pesos (P5,000.00) against erring commercial fishers and  
7 not more than Ten thousand pesos (P10,000.00) against erring municipal  
8 fishers; and confiscation of the catch, fishing equipment, gears and vessels  
9 used;

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

22           Where the offender is a municipal fisher, the penalty shall be a fine  
23 ranging from Twenty thousand pesos (P200,000.00) to Forty thousand pesos  
24 (P40,000.00); imprisonment of six (6) months to two (2) years; and forfeiture  
25 of the fish catch, fishing equipment, gears and vessels used. The PAMB shall  
26 also impose an administrative fine ranging from Twenty thousand pesos  
27 (P20,000.00) to One hundred thousand pesos (P100,000.00); and confiscation  
28 and forfeiture of the catch, fishing equipment, gears and vessels used.

1            *Muro-ami, pa-aling*, all kinds of trawls (*galadgad*, Norway), purse  
2 seine (*pangulong*), Danish seine (*hulbot-hulbot, pahulbot-hulbot, likisan,*  
3 *liba-liba, palisot, patangko, bira-bira, buli-buli*, hulahoop, zipper, *lampornas*,  
4 etc.), ring net (*kubkob, pangulong, kalansisi*), drive-in net (*kayakas*), round  
5 haul seine (*sapyaw, lawag*), motorized push net (*sudsod*), bag net (*basnig,*  
6 *saklit*) or any of their variations are hereby declared destructive fishing  
7 methods or gears under this provision;

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

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

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

1 (h) Where the violations of this section are not covered by the  
2 preceding paragraphs, the penalty shall be imprisonment of one (1) year to  
3 three (3) years; a fine of not less than Ten thousand pesos (P10,000.00) but not  
4 more than One hundred thousand pesos (P100,000.00); forfeiture of the catch,  
5 equipment, gears and vessels used; and cancellation of the permit that enabled  
6 the offender to commit the offense. The PAMB shall also impose an  
7 administrative fine ranging from Fifteen thousand pesos (P15,000.00) to One  
8 million pesos (P1,000,000.00); and confiscation and forfeiture of the catch,  
9 equipment, gears and vessels used.

10 SEC. 21. *Poaching.* – It shall be unlawful for any person, corporation  
11 or entity to fish or operate any fishing vessel in the TIPA. The entry of any  
12 foreign fishing vessel in the TIPA shall constitute *prima facie* evidence that the  
13 vessel is engaged in fishing in the area.

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

26 SEC. 22. *Violation of Environmental Impact Assessment (EIA)*  
27 *System.* – The PAMB shall prosecute violations of laws and rules on the EIA  
28 System in the TIPA. Such violations shall be punished by imprisonment of

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

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

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

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

26       SEC. 26. *Fines and Forfeitures.* – All administrative fines and  
27 forfeitures that may be imposed by the PAMB under this Act and the rules and



1 regulations that may be promulgated in pursuit of the goals and objectives of  
2 this Act shall form part of the funds and assets of the TIPA.

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

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

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

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

27 Any one of the above persons and entities is authorized to file  
28 administrative cases before the proper agencies and bodies, or initiate criminal

1 proceedings in accordance with the Rules of Court for offenses committed  
2 within the TIPA: *Provided*, That the apprehending entities may turn over the  
3 violators to the PASu office to ensure speedy prosecution of cases.

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

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

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

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

19 SEC. 33. *Effectivity Clause.* – This Act shall take effect fifteen (15)  
20 days after its complete publication in the *Official Gazette* or in two (2)  
21 newspapers of general circulation readily available in and around the scope  
22 specified herein. It shall likewise be posted in a conspicuous place at the town  
23 hall of the Municipality of Turtle Islands and the barangay halls of the affected  
24 areas and other places frequented by the public.

Approved,